

# Appendix Eight

**In The Matter Of:**  
*Tricia Wachsmuth v.*  
*City of Powell, et al.*

---

*Chad Miner*  
*October 6, 2010*

---

*Bray Reporting*  
*P.O. Box 125*  
*Laurel, MT 59044*  
*(406) 670-9533*  
*vonni.bray@yahoo.com*

Original File 10-6-10 Chad Miner\_scoped.txt

Min-U-Script® with Word Index

CHAD MINER - October 6, 2010 Page 1

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE DISTRICT OF WYOMING  
3 -----  
4 TRICIA WACHSMUTH, )  
5 Plaintiff, )  
6 vs. ) NO. 10-CV-041J  
7 )  
8 CITY OF POWELL, AND IN THEIR )  
9 INDIVIDUAL CAPACITY, TIM )  
10 FEATHERS, CHAD MINER, MIKE )  
11 CHRETIEN, ROY ECKERDT, DAVE )  
12 BROWN, MIKE HALL, BRETT LARA, )  
13 MATT MCCASLIN, ALAN KENT MATTHEW )  
14 DANZER, OFFICER BRILAKIS, LEE )  
15 BLACKMORE, CODY BRADLEY, KIRK )  
16 CHAPMAN, JOHN DOES #1-#4, )  
17 Defendants. )  
18  
19 DEPOSITION OF CHAD MINER  
20 2:41 p.m., Wednesday, October 6, 2010  
21  
22 Pursuant to notice, the deposition of CHAD  
23 MINER was taken in behalf of Plaintiff in accordance  
24 with the applicable Federal Rules of Civil Procedure at  
25 270 North Clark, Powell, Wyoming, before Vonni R. Bray,  
Registered Professional Reporter and Notary Public of  
the State of Montana.

CHAD MINER - October 6, 2010 Page 2

1 APPEARANCES  
2 FOR PLAINTIFF:  
3 Mr. Jeffrey C. Gosman  
4 Gosman Law Office  
5 123 W 1st Street  
6 P.O. Box 51267  
7 Casper, WY 82601-2481  
8 Telephone: (307)265-3082 - Fax: (307)265-6715  
9 E-mail: jeff@gosmanlawoffices.com  
10  
11 FOR INDIVIDUAL DEFENDANTS:  
12 Ms. Misha Westby  
13 Senior Assistant Attorney General  
14 2424 Pioneer Avenue, 2nd Floor  
15 Cheyenne, WY 82002  
16 Telephone: (307)777-5477 Fax: (307)777-8920  
17 E-mail: mwest@state.wy.us  
18  
19 FOR CITY OF POWELL & OFFICERS IN THEIR OFFICIAL  
20 CAPACITY:  
21 Mr. Tom Thompson  
22 MacPerson, Kelly & Thompson  
23 616 West Buffalo  
24 P.O. Box 999  
25 Rawlins, WY 82301-0999  
Telephone: (307)324-2713 - Fax: (307)324-7348  
E-mail: tthompson@wyomingattorneys.net  
Also Present: Tim Feathers

CHAD MINER - October 6, 2010 Page 3

1	INDEX TO WITNESSES	
2		PAGE
3	CHAD MINER	
4	Direct Examination by Mr. Gosman	5
5	Signature Page	168
6	Reporter's Certificate	169
7		
8	EXHIBITS	
9	EXHIBIT	DESCRIPTION PAGE
10	7	DEF-TECH Label 30
11	10	Notes of Wachsmuth Warrant 117
12	13	Search and Seizure Affidavit 68
13	14	Affidavit of Probable Cause 85
14	15	Affidavit of Probable Cause 85
15	16	PPD Supplement 7 by Mike Chretien 89
16	17	Search and Seizure Warrant 52
17	19	PPD CAD Incident Report 160
18	20	PPD Narrative by Chad Miner 87
19	23	PPD Supplement 6 by Kirk Chapman 81
20	26	Cody Police Department Person's 46
21		Record
22	27	Countermeasures Tactical Institute 14
23		Patrol Officer Specialized Tactics
24		Course
25	28	Countermeasures Tactical Institute 12
		Immediate Action for Patrol
		Handbook

CHAD MINER - October 6, 2010 Page 4

1	EXHIBITS (Cont.)	
2	EXHIBIT	DESCRIPTION PAGE
3	31	Wyoming P.O.S.T. Training Records 11
4	32	PPD Receipt 83
5	35	PPD Patrol Friday Training 20
6	36	E-mail 162
7	41-A	Drawing by Mr. Miner 128
8		
9		
10		REQUESTED ON THE RECORD
11	REQUEST	PAGE LINE
12	Portion to be stricken per the	51 10
13	protective order	
14	Portion to be stricken per the	77 3
15	protective order	
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		

CHAD MINER - October 6, 2010  
Direct Examination by Mr. Gosman

Page 5

1 CHAD MINER,  
2 having been first duly sworn, testified as follows:  
3 DIRECT EXAMINATION  
4 BY MR. GOSMAN:  
5 Q. Officer, is it Miner? May I call you officer  
6 Miner?  
7 A. Yes.  
8 Q. Have you given a deposition before?  
9 A. No.  
10 Q. Do you understand the format for taking a  
11 deposition?  
12 A. I believe so.  
13 Q. I'm going to ask you questions today, and you  
14 will be required to answer them unless your attorneys  
15 direct you not to answer them; do you understand that?  
16 A. Yes.  
17 Q. And the answers you give today will be  
18 recorded and can be used against you at trial; do you  
19 understand that?  
20 A. Yes.  
21 Q. If you have any trouble understanding  
22 anything that I have said, please ask for a  
23 clarification before you answer the question. And  
24 there is one other -- in that regard -- thing that  
25 occurs from time to time, and that is oftentimes I will

CHAD MINER - October 6, 2010  
Direct Examination by Mr. Gosman

Page 6

1 not complete my question before you will be starting  
2 the answer, and we'll have to be careful of that, okay?  
3 A. Okay.  
4 Q. And we can take a break at any time. But not  
5 while a question is pending, do you understand that?  
6 A. Yes.  
7 Q. Officer, you go to work tonight at 10:00?  
8 A. Actually, no. I got off at 6:00 a.m. this  
9 morning. I go back to work at 6:00 a.m. tomorrow  
10 morning.  
11 Q. Have you had plenty of rest for this  
12 deposition?  
13 A. Yes.  
14 Q. Are you currently on any medication that  
15 would impair your ability to give truthful answers.  
16 A. No.  
17 Q. Have you ever -- had any medical problems or  
18 illnesses that might interfere with your ability to  
19 give truthful answers to this deposition?  
20 A. No.  
21 Q. Have you ever been arrested for any crime,  
22 other than a traffic violation?  
23 A. You talking about felony crimes or  
24 misdemeanor crimes?  
25 Q. Actually, I'm talking about misdemeanor

CHAD MINER - October 6, 2010  
Direct Examination by Mr. Gosman

Page 7

1 crimes, yes.  
2 MS. WESTBY: No. Felony or, you know, crime  
3 of truth or dishonesty.  
4 MR. GOSMAN: This is a discovery deposition.  
5 All right. I'm not here really to embarrass you,  
6 believe it or not.  
7 BY MR. GOSMAN:  
8 Q. Have you ever been arrested for a crime,  
9 other than a traffic violation that constituted or  
10 could have constituted a felony?  
11 A. No.  
12 Q. Have you ever been accused of a crime  
13 involving dishonesty?  
14 A. Accused?  
15 Q. Yes, accused.  
16 A. No.  
17 Q. Are you married?  
18 A. Yes.  
19 Q. Do you know a Miranda Leigh Miner?  
20 A. No.  
21 Q. Have you ever been divorced?  
22 A. Yes.  
23 Q. In what court were the divorce proceedings  
24 penalized?  
25 A. Fifth Judicial here, Park County.

CHAD MINER - October 6, 2010  
Direct Examination by Mr. Gosman

Page 8

1 Q. Over in Cody?  
2 A. Correct.  
3 Q. And did you have a restraining order placed  
4 against you?  
5 A. No.  
6 Q. Was an application for restraining order  
7 filed against you?  
8 A. No.  
9 Q. Let's -- did you grow up in this area,  
10 Officer?  
11 A. No.  
12 Q. Where did you grow up?  
13 A. Montana.  
14 Q. What part?  
15 A. Billings.  
16 Q. And did you go to high school in Billings,  
17 then?  
18 A. I did.  
19 Q. Did you complete your high school education?  
20 A. I did.  
21 Q. What year was that?  
22 A. 1995.  
23 Q. Did you graduate with a diploma?  
24 A. I did.  
25 Q. Did you have any schooling beyond high

CHAD MINER - October 6, 2010 Page 9  
Direct Examination by Mr. Gosman

1 school?

2 A. One year of college.

3 Q. Where was that?

4 A. Billings.

5 Q. Did you have any particular emphasis in the

6 coursework that you took?

7 A. Diesel mechanics.

8 Q. What have you done in terms of work history

9 from the time that you graduated -- or, rather,

10 finished your one year of college until the time that

11 you became employed with the Powell Police Department?

12 A. I worked for Little Rock Express for

13 approximately a year. At which time I was laid off. I

14 worked for a farmer for three months, at which time I

15 was rehired by Little Rock Express, and stayed employed

16 there until -- I don't remember the exact time.

17 But after that, I went to work for Warren

18 Transport. After that, GK Construction. And after

19 that Powell Police Department.

20 Q. And what year did you begin working for the

21 Powell Police Department?

22 A. 2003.

23 Q. And did you -- did you complete your law

24 enforcement academy curriculum before you started at

25 the Powell Police Department, or was it afterwards?

CHAD MINER - October 6, 2010 Page 10  
Direct Examination by Mr. Gosman

1 A. After.

2 Q. And had you completed it by the time you

3 finished your probationary term with the Powell Police

4 Department?

5 A. Yes.

6 Q. And I take it you successfully completed your

7 probationary term at the Powell Police Department?

8 A. Yes.

9 Q. Have you had any discipline matters that

10 involve discipline of any kind taken against you that

11 are not in your personnel file?

12 A. No.

13 Q. What is your rank with the Powell Police

14 Department at this time?

15 A. Officer.

16 Q. And you started in what year again, 2006 --

17 or '3?

18 A. '3.

19 Q. Have you received any increase in rank since

20 you started with the Powell Police Department?

21 A. Yes.

22 Q. Go ahead and explain that for me, please.

23 A. I progressed from entry level every year

24 receiving a step raise every year of employment until

25 this year, which we -- the entire city is on,

CHAD MINER - October 6, 2010 Page 11  
Direct Examination by Mr. Gosman

1 obviously, a pay increase freeze. So to my knowledge,

2 nobody has received any kind of raise.

3 (Exhibit 31 identified)

4 BY MR. GOSMAN:

5 Q. Let's turn to Exhibit 31 in the notebook that

6 you've got.

7 A. Is it going to be these numbers right here?

8 Q. Yes, it is. And we have your P.O.S.T.

9 training records. And I believe they are first in that

10 exhibit.

11 So starting with the page that's marked

12 Exhibit 31, will you take just a moment and review

13 those?

14 A. (Witness Complies.)

15 Okay.

16 Q. Is this record complete?

17 A. Actually, there's one that I found that's --

18 it's complete by P.O.S.T. records, yeah.

19 Q. Okay. There's one that you found that's not

20 on the P.O.S.T. training records?

21 A. But I guess maybe it may not have been

22 P.O.S.T. recognized training.

23 Q. Do you know what that course was about?

24 A. It was P.I.E.R. active shooter course.

25 Q. Is that a Countermeasures Technology,

CHAD MINER - October 6, 2010 Page 12  
Direct Examination by Mr. Gosman

1 Incorporated course?

2 A. I don't know for sure, but I believe it was

3 that curriculum, yes.

4 Q. Do you remember when you took that course?

5 A. 2004, 2005.

6 (Exhibit 28 identified)

7 BY MR. GOSMAN:

8 Q. Let's take just a minute and look at Exhibit

9 Number 28. And I want you to tell me if that -- that,

10 by the way, exhibit is a Countermeasures Tactical

11 Institute Immediate Action -- Immediate Action for

12 Patrol handbook.

13 A. It appears to be.

14 Q. And is that the course that you believe you

15 took in 2004, I think you mentioned?

16 A. I couldn't say. I have no idea what the

17 exact curriculum of that was. But it was under the

18 same P.I.E.R. active shooter heading. But I don't know

19 what the handbook looked like.

20 Q. Okay. You didn't keep the handbook?

21 A. I don't believe so.

22 Q. And is there any reason why that didn't end

23 up on your P.O.S.T. records? It seems like CTI

24 training sessions are generally recognized as

25 P.O.S.T. -- for P.O.S.T. purposes.

<p>CHAD MINER - October 6, 2010 Direct Examination by Mr. Gosman</p> <p>Page 13</p> <p>1 A. I couldn't say. We took it in another city. 2 And they are generally in charge with sending the 3 records to P.O.S.T., the rosters and all of those 4 things. 5 Q. Okay. And it's your recollection that that 6 course -- you took that course in the year 2004? 7 A. '4 or '5. 8 Q. All right. Getting back to Exhibit 31 for 9 just a moment, I'd like you to go through that list and 10 tell me what P.O.S.T. recognized training you have had 11 as a peace officer relative to dynamic entry. 12 A. Actually, may I correct myself from earlier? 13 Q. Yes. 14 A. I was looking for the Green River. There is, 15 on the fifth line down, 4/23/2004, a 40-hour P.I.E.R. 16 course. But there is no city listed. 17 Q. Okay. 18 A. I'm sure that's the one we just talked about. 19 Q. Uh-huh. 20 A. So that one would be one. 21 Q. Yes. I'm not sure how many lines down it was 22 dated 9/3/2005, 50 hours Patrol Tactical Response in 23 Powell, Wyoming. And again, in 11/9 of 2009, 28 hours 24 for Immediate Action for Patrol, Powell, Wyoming. 25 Those are the three I know deal with dynamic entry.</p>	<p>CHAD MINER - October 6, 2010 Direct Examination by Mr. Gosman</p> <p>Page 15</p> <p>1 Q. Okay. Did you train in the use of 2 diversionary devices at that time? 3 A. I believe I did, yes. 4 Q. And do you remember whether or not you 5 actually detonated a live diversionary device during 6 the course of that training? 7 A. Forgive me, I'm trying to discern which 8 memories are from which class. 9 Q. I understand that. 10 A. I believe everybody in the class deployed a 11 device, yes. 12 Q. And from that time until February of 2009, 13 had you had the opportunity to deploy additional 14 diversionary devices in training settings? 15 A. I don't recall if I had or had not. 16 Q. Okay. It appears that you have obtained a 17 certification in the use of diversionary devices; is 18 that true? 19 A. That is. 20 Q. And that is the second page of your 21 P.O.S.T. -- of Exhibit 31. And I'd like you to take 22 just a minute and explain to me the nature of that 23 course, how long it was, what happened. 24 A. The major of the course is to discuss the 25 deployment and use of specialty impact munitions,</p>
<p>CHAD MINER - October 6, 2010 Direct Examination by Mr. Gosman</p> <p>Page 14</p> <p>1 (Exhibit 27 identified) 2 BY MR. GOSMAN: 3 Q. Let's go ahead and turn to Exhibit 27. And 4 these are -- this particular document was produced as 5 part of your training records, officer Miner. I want 6 you to take a look at it and tell me if, in fact, you 7 recognize those training materials. 8 A. Yes, sir, I do recognize them. 9 Q. And I will tell you that I realize that it's 10 been some time ago that you took that course, but can 11 you tell me generally what the subject matters of that 12 course were? 13 A. Which course was this? Is this the 2004 or 14 the 2009? 15 Q. This would be the 2005, I believe, 50-hour 16 Patrol Tactical Response in September. 17 A. The general idea of the course is specialized 18 tactics for patrol officers and all that encompasses, 19 which is very broad. 20 Q. And what were some of the things that you did 21 in that course, if you remember? 22 A. There was active gunn an training and/or 23 active gunman interdiction and response. Movement, 24 cover issues, teamwork. Those are the big ones that I 25 can think of off the top of my head.</p>	<p>CHAD MINER - October 6, 2010 Direct Examination by Mr. Gosman</p> <p>Page 16</p> <p>1 distraction devices, and chemical munitions. Also, OC 2 aerosol projectors. If I remember correctly, it was a 3 30-hour course, but I may not be exact on that. 4 What was the rest of your question about 5 that? 6 Q. You learned -- how many times did you 7 practice with these devices in that course? 8 A. We handled -- we handled lots of devices and 9 deployed them lots of times. So that number, I 10 wouldn't be able to put on it. 11 Q. All right. Were there any course materials 12 associated with that seminar? That training? 13 A. There was. 14 Q. Do you have those? 15 A. With me now? 16 Q. In your possession? 17 A. I have them in my possession, yes. 18 Q. Would you be willing to provide those to me? 19 I have asked -- 20 A. With the permission of counsel, yeah. 21 MS. WESTBY: You can provide them to me and 22 we'll go from there. 23 BY MR. GOSMAN: 24 Q. Well, we'll take some breaks today. We may 25 need to take a break for dinner. I'm not sure whether</p>

CHAD MINER - October 6, 2010  
Direct Examination by Mr. Gosman

Page 17

1 that will be necessary.  
2 How long would it take for you to retrieve  
3 those materials?  
4 A. Five minutes.  
5 Q. All right. At the next break I'd ask if you  
6 could do that and you could give them to your attorney.  
7 A. All right.  
8 Q. Okay. As far as you know, is anyone else in  
9 the Powell Police Department certified in the use of  
10 these devices, the diversionary devices?  
11 MR. THOMPSON: Objection as to form.  
12 MS. WESTBY: Join.  
13 THE WITNESS: I'm not aware that there is a  
14 certification for the use of them.  
15 BY MR. GOSMAN:  
16 Q. Okay. All right. Is there anyone that is  
17 certified to -- well, it looks to me like this  
18 certification involves a basic instructor course; is  
19 that correct?  
20 A. Correct.  
21 Q. Are you a certified instructor, then, for the  
22 use of this device, as of the date of this training?  
23 MS. WESTBY: Object to the form.  
24 MR. THOMPSON: Join.  
25 THE WITNESS: It's certified that I went to

CHAD MINER - October 6, 2010  
Direct Examination by Mr. Gosman

Page 18

1 the class and got the instruction.  
2 BY MR. GOSMAN:  
3 Q. Okay. That's all I need to know.  
4 Have you taught any of the Powell police  
5 force in the use of this device since you received this  
6 training?  
7 A. Yes.  
8 Q. Explain that to me.  
9 A. What is it exactly you want to know?  
10 Q. What was the setting of the training, and  
11 then we'll talk about the number of officers involved  
12 and how many times you met and that sort of thing?  
13 A. The diversionary device setting was in the  
14 classroom. And it was to go over -- familiarizing them  
15 with ways to deploy the device, considerations for  
16 deploying the device, and possible side effects of  
17 deploying a device.  
18 Q. And are the concepts that you've just  
19 discussed, are they contained in training materials  
20 that you have in your possession from this seminar that  
21 you received the certificate of attendance for?  
22 A. Yes. All the training I give comes from what  
23 I was taught.  
24 Q. Now, with regard to the training that you  
25 have received relative to dynamic entry, have you --

CHAD MINER - October 6, 2010  
Direct Examination by Mr. Gosman

Page 19

1 since your P.O.S.T. recognized training with  
2 Countermeasures Tactical Institute in 2004, have you  
3 had any additional training in those areas since that  
4 time?  
5 MS. WESTBY: Wait. I'm going to object. He  
6 talked about two separate trainings. One in 2004, and  
7 one in 2005.  
8 BY MR. GOSMAN:  
9 Q. You know, I'm sorry, you're right. And I  
10 misspoke. Yes, it looks to me like it was September of  
11 2005 that you completed your Patrol Tactical Response  
12 course.  
13 And so my question is: Was that the -- prior  
14 to the 24th of February, 2009, was that the last  
15 training that you had dynamic entry?  
16 MS. WESTBY: Are you limiting it to  
17 P.O.S.T. --  
18 MR. GOSMAN: No, I'm not.  
19 MS. WESTBY: -- training?  
20 MR. GOSMAN: I'm not.  
21 MS. WESTBY: So any training, P.O.S.T. or  
22 otherwise.  
23 THE WITNESS: I don't know if we had any  
24 in-house training or not after that day.  
25

CHAD MINER - October 6, 2010  
Direct Examination by Mr. Gosman

Page 20

1 (Exhibit 35 identified)  
2 MR. GOSMAN:  
3 BY MR. GOSMAN:  
4 Q. All right. Let's go ahead and take a look at  
5 Exhibit 35 for a moment. And 35 is beyond the end of  
6 the tabs there.  
7 A. Got it.  
8 Q. Very good. Let's have you -- I'll identify  
9 this record as being the in-service training records  
10 that were provided to me. And I'd like you to go  
11 through those records and see if you can refresh your  
12 recollection of any training that you have had in an  
13 in-service setting relative to dynamic entry.  
14 A. I would say June 6, high-risk warrant would  
15 have something to do with it.  
16 Q. Do you remember whether you attended that  
17 session or not?  
18 A. I don't.  
19 Q. Okay.  
20 A. Possibly November 6th, active threat  
21 response.  
22 Q. That would be November of '06 probably?  
23 A. November of '06, correct.  
24 Q. Do you remember whether you attended that  
25 training?

Tricia Wachsmuth v.  
City of Powell, et al.

Chad Miner  
October 6, 2010

CHAD MINER - October 6, 2010 Page 21  
Direct Examination by Mr. Gosman

1 A. I do not. This entire page looks like it has  
2 to do with room clearing, dynamic entry kind of things.  
3 Q. Do you remember participating in any of  
4 those?  
5 A. I don't, no. It doesn't have a number.  
6 MS. WESTBY: For purposes of the record it's  
7 LGLP Wachsmuth 1818.  
8 MR. GOSMAN: Thank you.  
9 THE WITNESS: Okay. That's all that I saw  
10 when I went through there.  
11 BY MR. GOSMAN:  
12 Q. Do you have a recollection of ever having  
13 trained as a team in simulated dynamic entry settings?  
14 A. Yes.  
15 Q. Explain to me when and who was involved.  
16 A. I can't tell you when they were or who was  
17 present at the time.  
18 Q. Did the Powell Police Department have a  
19 tactical team?  
20 A. No.  
21 Q. Do you have any recollection of ever  
22 executing a dynamic entry in connection with a search  
23 warrant before?  
24 A. Yes.  
25 Q. And that would have been before February of

CHAD MINER - October 6, 2010 Page 22  
Direct Examination by Mr. Gosman

1 2009?  
2 A. Have I done it before then?  
3 Q. Yes.  
4 A. Yes.  
5 Q. Okay. Tell me about that.  
6 A. Well, there's been several -- I don't  
7 remember specifics -- with several different agencies.  
8 Q. Several different agencies?  
9 In other words, were these collaborative  
10 efforts involving other agencies?  
11 A. Correct.  
12 Q. Did those -- did that warrant service involve  
13 the use of the Park County SWAT team, sheriff's  
14 department SWAT team?  
15 A. I have done them with members of them. Not  
16 with that team together, no.  
17 Q. Were there other members of the Powell Police  
18 Department that were with you when those entries were  
19 made?  
20 A. Yes.  
21 Q. Who?  
22 A. It would be impossible for me to say who was  
23 present at those.  
24 Q. Do you remember anyone specifically that was  
25 with you in any of those occasions?

CHAD MINER - October 6, 2010 Page 23  
Direct Examination by Mr. Gosman

1 A. The one Powell police officer that I remember  
2 being with me on one of these dynamic entries on a  
3 search warrant would have been Officer Michael Funke.  
4 He no longer works here.  
5 Q. And describe generally what these entries --  
6 what type of warrant was being served.  
7 A. Virtually all guns and/or -- correction,  
8 drugs and/or guns.  
9 Q. Were they felony drug warrants?  
10 A. Some, yes; some no.  
11 Q. Some were misdemeanor drug warrants?  
12 A. Correct.  
13 Q. And so you've been involved in the deployment  
14 of a -- the deployment of a tactical team that  
15 conducted a dynamic entry for the effect of a  
16 misdemeanor search warrant?  
17 MS. WESTBY: Object to the form of the  
18 question.  
19 BY MR. GOSMAN:  
20 Q. Did you understand that? That was kind of a  
21 complicated question.  
22 MS. WESTBY: Answer if you know.  
23 THE WITNESS: I'll clarify with you to make  
24 sure I understand.  
25

CHAD MINER - October 6, 2010 Page 24  
Direct Examination by Mr. Gosman

1 BY MR. GOSMAN:  
2 Q. Okay.  
3 A. Have I been on a deployment with a tactical  
4 team for a misdemeanor search warrant; is that correct?  
5 Q. Yes.  
6 A. I have never been involved with a, per se,  
7 tactical team.  
8 Q. Okay. Have you done dynamic entries on  
9 misdemeanor search warrants?  
10 A. Yes.  
11 Q. Explain -- let's just start with the one that  
12 comes to your mind easiest. Tell me a little bit about  
13 it.  
14 A. The one that comes to mind, let me think of a  
15 misdemeanor one. That would be a felony. And of  
16 course I don't recall exactly what the charges were  
17 when I helped with other agencies. So I guess the one  
18 that sticks out in my mind was not a drug dynamic  
19 entry. It was not for drugs. This was for other  
20 things --  
21 Q. Other things?  
22 A. -- which was a misdemeanor. Do you want me  
23 to explain?  
24 Q. I do, but let's start with the date.  
25 A. I have no idea what the date was. None.



Tricia Wachsmuth v.  
City of Powell, et al.

Chad Miner  
October 6, 2010

CHAD MINER - October 6, 2010 Direct Examination by Mr. Gosman	Page 25	CHAD MINER - October 6, 2010 Direct Examination by Mr. Gosman	Page 27
1 Q. Was it more than five years ago?		1 of 2009?	
2 A. No.		2 A. I don't believe either one of them did, no.	
3 Q. More than two years ago?		3 Q. Tell me what circumstances were these	
4 A. Probably two years is getting close to what		4 underage drinking situations?	
5 it was, but I can't say the date.		5 A. The first that I can recall is -- I don't	
6 Q. Go ahead and explain what that was about.		6 have any details of the call as I wasn't involved in	
7 A. It involved two Powell police officers,		7 the initial call. It was progressing as I came on	
8 myself and -- forgive me for forgetting this person		8 duty. So I went to assist with the search warrant. At	
9 earlier, and Sergeant Alan Kent, and a deputy from the		9 which time entry was made into the home and persons	
10 sheriff's office.		10 were secured and so on and so forth.	
11 The domestic violence call turns into a		11 Q. Were you there when the entry was made into	
12 warrant service at the same time. And we were forced		12 the home?	
13 to make entry on both counts. To A, take care of the		13 A. Yes.	
14 domestic violence; and B, serve the warrant.		14 Q. Did -- were you there when the officers	
15 Q. All right. Was there a threat of physical		15 knocked and announced their presence at the home?	
16 violence in the home that night? It was a domestic		16 A. Yes.	
17 violence call.		17 Q. And did someone answer the door?	
18 A. To whom?		18 A. No.	
19 Q. To anyone in the home.		19 Q. Was there a -- how long did it take for the	
20 A. We really didn't know. We were dispatched to		20 officer --	
21 a domestic, and when we got there, we couldn't gain		21 A. I have no idea. I can't tell you the time	
22 entry to the house. They would not answer the door.		22 frame.	
23 Q. How long did you give them to answer the		23 Q. Was it more than a minute?	
24 door, do you remember?		24 A. I couldn't even tell you that. I don't know.	
25 A. Long time.		25 I have no recollection of that.	
CHAD MINER - October 6, 2010 Direct Examination by Mr. Gosman	Page 26	CHAD MINER - October 6, 2010 Direct Examination by Mr. Gosman	Page 28
1 Q. Do you remember, with respect to the domestic		1 Q. All right. And the other one, then?	
2 violence call, whether there was, in fact, a report of		2 A. The second one was actually a similar	
3 domestic violence occurring in the home, someone being		3 situation. I was not on duty when it started. I was	
4 injured?		4 called in to assist prior to my shift. It was another	
5 A. We were dispatched to a domestic. That's		5 underage drinking party. The officers had not been	
6 about as definitive as I can get into that call.		6 able to get entry, and they felt that they needed to.	
7 Q. All right. Do you remember any of the others		7 And they obtained a search warrant and I assisted with	
8 involving dynamic entry from the service of a		8 execution of that warrant.	
9 misdemeanor warrant?		9 Q. So you were there from the time the warrant	
10 A. I can't recall any specifically, any others.		10 was brought back to the premises?	
11 Correction.		11 A. Correct.	
12 Q. Yes, go ahead.		12 Q. And officers knock on the door?	
13 A. I do recall a misdemeanor search warrant for		13 A. I was perimeter security there. So I really	
14 underage drinking on two occasions.		14 can't tell you anything about what they did or didn't	
15 Q. All right. And you forced your way into the		15 do at the door.	
16 home?		16 Q. Was a battering ram used?	
17 A. The Powell police did. I don't know that it		17 A. I don't remember.	
18 was me.		18 Q. And in the previous instance, was a battering	
19 Q. Oh, you're not sure you were --		19 ram used?	
20 A. No, I was there, but I don't believe I'm the		20 A. I don't know.	
21 one that forced the door, if that's what you're asking.		21 Q. Lets go back to the domestic violence case.	
22 What are you asking?		22 Was a battering ram used in that case?	
23 Q. I was asking if you were there?		23 A. No. This last one, I believe it was. But I	
24 A. Okay. I was there.		24 couldn't swear to that, but I believe it was.	
25 Q. And did these events occur after February 24		25 Q. There may have been a battering ram involved?	

CHAD MINER - October 6, 2010 Page 29  
Direct Examination by Mr. Gosman

1 A. That's my freshest recollection.  
2 Q. And were the officers on the scene that night  
3 part -- was it a tactical unit or was it simply  
4 officers responding to the call?  
5 MS. WESTBY: Object to the form of the  
6 question.  
7 MR. THOMPSON: Join.  
8 THE WITNESS: Answer?  
9 MS. WESTBY: Go ahead.  
10 THE WITNESS: It was just officers responding  
11 to the call.  
12 BY MR. GOSMAN:  
13 Q. Before we completely leave the subject, you  
14 mentioned that you were on several calls involving  
15 other agencies that did involve tactical teams in the  
16 use of dynamic entry?  
17 A. Correct.  
18 MS. WESTBY: Object to the form of the  
19 question.  
20 MR. THOMPSON: Join.  
21 BY MR. GOSMAN:  
22 Q. And what were the other agencies involved?  
23 There was the Park County sheriff's office; were there  
24 other agencies involved in these calls?  
25 A. The Park County sheriff's office, the Wyoming

CHAD MINER - October 6, 2010 Page 30  
Direct Examination by Mr. Gosman

1 Game and Fish, the Cody Police Department, Riverton  
2 Police Department, the county that -- Fremont County  
3 deputies, DEA, DCI.  
4 Q. Okay.  
5 A. I think that covers most of them.  
6 Q. It sounds like you've -- that didn't all  
7 happen in Park County, of course?  
8 A. No.  
9 Q. Have you worked in other police departments?  
10 A. I've worked with other police departments.  
11 Q. Okay. How did you become associated with  
12 Fremont County Police Department and Sheriff's  
13 Department?  
14 A. I was invited to help them execute a number  
15 of warrants. DCI, actually.  
16 Q. What were those warrants for?  
17 A. Drugs. I believe it was all somebody else's  
18 case. I was merely assisting.  
19 (Exhibit 7 identified)  
20 BY MR. GOSMAN:  
21 Q. Let's take a look at Exhibit 7.  
22 Officer, prior to February 2009, had you ever  
23 been involved in in-service training for diversionary  
24 device, the use of diversionary devices?  
25 A. What was the date you gave me? 2009?

CHAD MINER - October 6, 2010 Page 31  
Direct Examination by Mr. Gosman

1 Q. It would have been the date that the  
2 Wachsmuth warrant was served?  
3 A. Yes, I have.  
4 Q. You have?  
5 A. Yes.  
6 Q. Okay. What kinds of training was that?  
7 A. Room clearing, hostage, barricade, gunman,  
8 active shooters.  
9 Q. And were any distraction devices deployed?  
10 A. In our training, sometimes yes, sometimes no.  
11 Q. I think you said you had only -- prior to  
12 2009 only deployed the devices that were deployed in  
13 your Patrol Tactical Response training, did I get that  
14 right? Actually detonated them?  
15 A. I think I told you that was one time that I  
16 could recall definitely having done it. The other  
17 times I can't -- I know as a department in departmental  
18 training we have deployed live distraction devices  
19 during training.  
20 Q. Exhibit 7, you'll notice that the first page  
21 of that exhibit contains product warnings. Let me ask  
22 you first if those product warnings are applicable to  
23 the device that the Powell Police Department purchased,  
24 and particularly the device that was used that night in  
25 2009 when the Wachsmuth warrant was served.

CHAD MINER - October 6, 2010 Page 32  
Direct Examination by Mr. Gosman

1 MR. THOMPSON: Object to form.  
2 MS. WESTBY: Join.  
3 THE WITNESS: It looks like a warning device  
4 for the ones we have, yes.  
5 BY MR. GOSMAN:  
6 Q. And do you see the legend? I think it's at  
7 the top of the page -- that talks about how the -- who  
8 should use the device?  
9 A. Yep.  
10 Q. Is that consistent with the training you've  
11 had?  
12 A. Yes.  
13 Q. Have you ever trained Officer McCaslin?  
14 A. Yes.  
15 Q. In the use of an N.F.D.D. device?  
16 A. Correction. No.  
17 Q. Okay. Let's go ahead and take a look at  
18 the -- it's actually the second page of that exhibit.  
19 Were you aware of the purchase of these  
20 distraction devices in March of 2007?  
21 MS. WESTBY: You know, before we go any  
22 further down this path, I -- you know, you've depose  
23 the officer who deployed the diversionary device. This  
24 officer did not. You're not allowed under the rules to  
25 turn a defendant into an expert witness. I don't

CHAD MINER - October 6, 2010 Page 33  
Direct Examination by Mr. Gosman

1 see -- or to try to attempt to do that based on his  
2 training and experience.  
3 I guess I'm having a hard time seeing what  
4 purpose it is, of a potential relevant nature, this  
5 information. I mean, tell me if I'm wrong, but I don't  
6 see what you're -- where you're going.  
7 MR. GOSMAN: Well, the easy answer to that  
8 question is all of the officers are responsible for the  
9 actions of the other officers to the extent that they  
10 are conducted in their presence, and to the extent they  
11 may have violated constitutional violations.  
12 MS. WESTBY: And if you want to ask him, you  
13 know, who assigned Officer McCaslin to do the --  
14 perform that function, if they thought he was  
15 qualified. I mean, I get those questions. But I don't  
16 understand this line of questioning that you're going  
17 down. And I can think of only one purpose for it,  
18 which is not an admissible purpose. And I don't have  
19 to allow my defendant to go down that route.  
20 BY MR. GOSMAN:  
21 Q. Okay. Officer, you want to take a look at  
22 the second page of Exhibit 7.  
23 A. Okay.  
24 Q. All right. Apparently, 24 of these devices  
25 were purchased in March of 2007. Do you know how many

CHAD MINER - October 6, 2010 Page 34  
Direct Examination by Mr. Gosman

1 of those devices had been used by February of 2009?  
2 A. No.  
3 Q. Is there anybody at the police department  
4 that's in control of the distraction devices, has  
5 custody of those devices?  
6 A. It's not me.  
7 Q. Do you know who it is?  
8 A. I would assume that the supervisors and the  
9 equipment officer.  
10 Q. And who would that be?  
11 A. Sergeant Kent, Sergeant Eckerdt, sergeant  
12 Chretien, and Kirk Chapman  
13 Q. Okay. Did the training that you had in  
14 connection with the noise distraction device include --  
15 and this is as of February 2009, did it include the  
16 information that is contained on the third page of  
17 Exhibit 7 regarding the deployment or occurring in an  
18 area that was clear of obstructions within a certain  
19 diameter?  
20 MS. WESTBY: Again, you know, I can't  
21 possibly think of any other purpose for this line of  
22 questioning. I mean, if you can explain something to  
23 me, please do so. But I just don't --  
24 MR. GOSMAN: I want to know how the officers  
25 of the Powell Police Department were trained with this

CHAD MINER - October 6, 2010 Page 35  
Direct Examination by Mr. Gosman

1 device. Not just the one who deployed it. But the  
2 officers in general.  
3 MS. WESTBY: What's the relevance of that?  
4 MR. GOSMAN: Well, that I don't have to spend  
5 a lot of time, you know, talking about. Because  
6 honestly, the relevance is -- if it even can lead to  
7 discoverable evidence, it's admissible in a discovery  
8 deposition. And if I were you, I wouldn't make a big  
9 point of this area.  
10 MS. WESTBY: You know what? Don't tell me  
11 what to do.  
12 MR. GOSMAN: All right.  
13 MS. WESTBY: You know that you are not  
14 allowed to try to turn this witness into an expert.  
15 Don't ask him any opinions about it. Don't ask him  
16 any -- I see no relevance to it. And --  
17 MR. GOSMAN: I think I get your position.  
18 MR. THOMPSON: And, Counsel, I would note for  
19 the record, that the training that he received was  
20 after the incident. So you're asking him --  
21 MR. GOSMAN: No.  
22 MR. THOMPSON: Can you let me finish what I  
23 was stating.  
24 MR. GOSMAN: Of course.  
25 MR. THOMPSON: You're asking him questions

CHAD MINER - October 6, 2010 Page 36  
Direct Examination by Mr. Gosman

1 about how he was trained on the -- this device after  
2 the incident and after the device was used.  
3 MR. GOSMAN: Well, I don't know where you  
4 were when you said that he trained on this device, I  
5 think it was September of 2005. But I'm talking about  
6 the period of time before the 24th of February 2009.  
7 And I think I made that clear in my last question.  
8 BY MR. GOSMAN:  
9 Q. Why don't you take a look at the third  
10 paragraph on Document 1807.  
11 And starts with this language: "It is  
12 recommended that the immediate area for the deployment  
13 be visually affirmed." And then I'd like you to tell  
14 me whether or not the recommendations contained in that  
15 paragraph are consistent with the training that you  
16 received prior to the 24th of February, 2009, in the  
17 use of a distraction device.  
18 A. Your question is what the paragraph says  
19 consistent with the way we were trained, or is this  
20 document consistent?  
21 Q. That paragraph, sir.  
22 A. Okay. I would say yes.  
23 Q. And then there's a warning in a little box  
24 just off to the right. I want you to take a minute and  
25 read that warning. And tell me -- answer the same

<p>CHAD MINER - October 6, 2010 Direct Examination by Mr. Gosman</p> <p>1 question, if you can. 2 A. Yes to your question. 3 Q. All right. Now, prior to the 24th of 4 February, 2009, were you aware that distraction devices 5 do create an effect called overpressure? 6 A. Let me differentiate my memories. So I'm 7 certain that it was talked about. I don't recall the 8 context of that conversation. 9 Q. Prior to the 24th of February, 2009, were you 10 aware, based on your training with these devices, that 11 they should not be deployed in rooms where small 12 children were present? 13 MS. WESTBY: Object to the form of the 14 question. 15 MR. THOMPSON: Join. 16 THE WITNESS: I believe that would be a 17 consideration of deployment 18 BY MR. GOSMAN: 19 Q. And let's jump ahead now to the time frame 20 following the completion of your course on these 21 devices. Was that consistent with the training you 22 received at that time? 23 MS. WESTBY: At which time? Are we talking 24 about the later training, the earlier training? 25</p>	<p>Page 37</p>	<p>CHAD MINER - October 6, 2010 Direct Examination by Mr. Gosman</p> <p>1 that consideration more significant? 2 A. The effects of this key device, there is, 3 yes. 4 Q. All right. What would be that age? 5 A. According to this training that I received 6 last August, a newborn child is specifically stated as 7 the most at risk. So that's the cutoff I'm referring 8 to. 9 Q. All right. I understand that there was 10 intelligence that placed a ten-year-old child, or a 11 child of the approximate age of ten years old, in the 12 residence the night that the search warrant was 13 executed. Is that consistent with your knowledge? 14 MS. WESTBY: Object to the form of the 15 question. Misstates the testimony and evidence. 16 MR. THOMPSON: Join. 17 Go ahead, if you can. 18 THE WITNESS: To clear up a lot of, maybe, 19 further questions, I wasn't present in the planning and 20 preparation of the execution portion of this. So maybe 21 that will help alleviate some of your questioning. 22 But I was aware that there was discussion 23 about the possibility of a child being at the home at 24 one point in time. 25</p>	<p>Page 39</p>
<p>CHAD MINER - October 6, 2010 Direct Examination by Mr. Gosman</p> <p>1 BY MR. GOSMAN: 2 Q. The later training where the certificate was 3 issued. It's the second page of Exhibit 31. I think 4 it was August of 2009. 5 A. So this is the training you were talking 6 about? 7 Q. I am. 8 A. It was discussed, again, as a consideration 9 prior to deploying one of these devices. 10 Q. What does it mean when you say "it was 11 discussed as a consideration"? 12 A. That it's part of the circumstances used to 13 make the decision, where, when, how to deploy this 14 device. 15 Q. And if you know that a young child is present 16 in a residence, what is the consideration in terms of 17 deploying these devices in the residence? 18 MR. THOMPSON: Objection as to form. 19 MS. WESTBY: Join. 20 THE WITNESS: Are you asking for my 21 considerations or from -- all persons are a 22 consideration in the home. The small child, it would 23 definitely depend on the age -- the age of the child. 24 BY MR. GOSMAN: 25 Q. Is there a cutoff in terms of age that makes</p>	<p>Page 38</p>	<p>CHAD MINER - October 6, 2010 Direct Examination by Mr. Gosman</p> <p>1 BY MR. GOSMAN: 2 Q. What do you remember about that discussion? 3 A. That's about what I remember of that 4 discussion. 5 Q. Did you participate in the planning of, to 6 the extent that Officer McCaslin was identified as the 7 officer that would deploy distraction device? 8 A. I didn't actually participate in the planning 9 of the execution at all. 10 Q. Have you received any professional training 11 in the area of using confidential informants? 12 A. P.O.S.T. certified training or training? 13 Q. P.O.S.T., we'll start there. 14 A. Yes, I have. 15 Q. And let's go back to Exhibit 31 and ask you 16 to identify that for the record, please. 17 A. Line 8/10/2007, 40 hours, drug investigation, 18 Riverton, Wyoming. 19 Q. Have you had any in-service training, then, 20 in addition to the training you received in 2007? 21 A. Not structured training, as you're relating 22 it. 23 Q. What additional training have you had? 24 A. I wouldn't call it -- it would be more like 25 working with those that know.</p>	<p>Page 40</p>

CHAD MINER - October 6, 2010 Page 41  
Direct Examination by Mr. Gosman

1 Q. Okay.  
2 A. Rather than training.  
3 Q. And you have worked with other officers who  
4 have had experience in using confidential informants  
5 and using their information to develop cases?  
6 A. Officers and agents, yes.  
7 Q. Is it true that at the time of the Wachsmuth  
8 warrants you had never done a marijuana grow operation  
9 before?  
10 MR. THOMPSON: Objection as to form.  
11 MS. WESTBY: Join.  
12 THE WITNESS: I don't believe I had.  
13 BY MR. GOSMAN:  
14 Q. I assume that you had done drug  
15 investigations previous to that time where you had used  
16 confidential informants, correct?  
17 A. Yes, sir.  
18 Q. How many times, approximately?  
19 A. Are we speaking specifically of ones I was  
20 involved with or my own cases that I did the reports?  
21 Q. I think ones that you're involved with.  
22 A. Probably between 50 and 100.  
23 Q. And how many of those were you in charge of,  
24 approximately?  
25 A. Probably between 25 and 50.

CHAD MINER - October 6, 2010 Page 42  
Direct Examination by Mr. Gosman

1 Q. Based on what you heard from the confidential  
2 informant, did you think you had a commercial operation  
3 on your hands that evening of the 24th of February,  
4 2009?  
5 MR. THOMPSON: Objection as to form.  
6 MS. WESTBY: Join.  
7 THE WITNESS: I'm sorry. You're asking my  
8 opinion, was it a commercial operation? Was that your  
9 question?  
10 BY SPEAKER 5:  
11 Q. Basically, yes.  
12 A. It was my first marijuana grow operation that  
13 I believe I had worked. So it sounded like a  
14 relatively small grow. As far as commercial, I didn't  
15 know.  
16 Q. All right. How was it that you came in  
17 contact with the confidential informant?  
18 A. The confidential informant contacted me.  
19 Q. Does that happen very often?  
20 A. It has happened before.  
21 Q. What did the confidential informant contact  
22 you about?  
23 A. Advised me that he had information regarding  
24 a marijuana grow.  
25 Q. And -- you knew who the confidential

CHAD MINER - October 6, 2010 Page 43  
Direct Examination by Mr. Gosman

1 informant was or he had identified himself, I take it,  
2 at this point?  
3 A. At some point, yeah, he did.  
4 Q. And did you -- could you understand what his  
5 motive was for calling you? Did you understand what  
6 his motive was?  
7 A. He told me what it was.  
8 Q. What was it?  
9 A. That he had a warrant for his arrest, and  
10 that his request was not to have to go to jail if he  
11 provided this information.  
12 Q. Okay. Do you know what that warrant was for?  
13 A. It was some misdemeanor of ill consequence is  
14 all I can tell you. It wasn't anything major.  
15 Q. Did you bother to check that, then?  
16 MS. WESTBY: Object to the form of the  
17 question.  
18 MR. THOMPSON: Join.  
19 THE WITNESS: I did. At the time, I knew  
20 what the warrant was for.  
21 BY MR. GOSMAN:  
22 Q. But you don't remember, as we sit here  
23 today --  
24 A. A year-and-a-half later, I don't remember.  
25 Q. Are you sure it was for a simple misdemeanor?

CHAD MINER - October 6, 2010 Page 44  
Direct Examination by Mr. Gosman

1 MR. THOMPSON: Objection as to form.  
2 MS. WESTBY: Join.  
3 THE WITNESS: Yes.  
4 BY MR. GOSMAN:  
5 Q. And did you weigh the charge, which the  
6 confidential informant had against him, against the  
7 potential charge that would be brought based on the  
8 information that the confidential informant would  
9 provide to you?  
10 MR. THOMPSON: Objection as to form.  
11 MS. WESTBY: Join.  
12 THE WITNESS: I don't recall comparing the  
13 two, no, if that's your question.  
14 BY MR. GOSMAN:  
15 Q. Did you strike a bargain, then, with the  
16 confidential informant?  
17 A. Myself and the county attorney did, yes.  
18 Q. What was that arrangement?  
19 A. I don't recall exactly. But my recollection  
20 is that he was to appear in court for the warrant that  
21 was currently out for him in lieu of going to the Park  
22 County Jail and being arraigned.  
23 Q. So he was issued a ticket, then, if you will?  
24 A. No. He was going to show up for  
25 arraignments, which are weekly.

CHAD MINER - October 6, 2010 Page 45  
Direct Examination by Mr. Gosman

1 Q. Okay.

2 A. To answer to that.

3 Q. When was he going to show for the

4 arraignment?

5 A. I don't remember the date that was given.

6 I'm sure it was the first available court date or

7 arraignment date.

8 Q. Do you know whether he showed up?

9 A. I don't.

10 Q. After this evening, the 24th of

11 February 2009, did you ever have any contact with the

12 confidential informant?

13 A. I have not.

14 Q. Did you check to see if the confidential

15 informant had other warrants outstanding against him on

16 the day you interviewed him?

17 A. Just what was available in his personal file

18 here that he was talking about. That's what I knew he

19 had. I don't recall if there was one or two or 20.

20 But I'm sure there wasn't 20.

21 Q. There may have been more than one or two?

22 A. I don't know how many, if there was more than

23 one that he had.

24 Q. You don't remember that as being significant

25 to your discussions with the confidential informant?

CHAD MINER - October 6, 2010 Page 46  
Direct Examination by Mr. Gosman

1 MS. WESTBY: Object to the form of the

2 question.

3 MR. THOMPSON: Join.

4 THE WITNESS: If it would have been

5 significant enough for me not to use him, I wouldn't

6 have.

7 BY MR. GOSMAN:

8 Q. If he had outstanding warrants?

9 A. If those warrants were significant enough for

10 me not to use him, I wouldn't have.

11 Q. Did you know whether this confidential

12 informant had been used before by --

13 A. I did not.

14 Q. Did you know whether this confidential

15 informant had been rejected before by other agencies as

16 unreliable?

17 A. No.

18 Q. Had this individual ever served as a

19 confidential informant before?

20 A. I don't know.

21 (Exhibit 26 identified)

22 BY MR. GOSMAN:

23 Q. Let's go ahead and take a look at Exhibit 26.

24 And can you identify that document for me, sir?

25 A. Yes.

CHAD MINER - October 6, 2010 Page 47  
Direct Examination by Mr. Gosman

1 Q. What is it?

2 A. Looks like a Cody Police Department person's

3 record.

4 Q. And is the person that is the subject of that

5 record the confidential informant?

6 MR. THOMPSON: Counsel, I believe that that

7 violates the protective order.

8 MR. GOSMAN: Well, we'll seal it.

9 MR. THOMPSON: No, there's nothing in the

10 protective order about sealing it. The protective

11 order says the identity of the confidential informant

12 shall not be disclosed.

13 MR. GOSMAN: Well, we can redact it or call

14 the Magistrate again. I'm going to get this document

15 into evidence. At least in this deposition. Now,

16 whether it goes to trial or not, I don't know.

17 MR. THOMPSON: Well ...

18 MR. GOSMAN: And if you want, we can go ahead

19 and call Magistrate Beaman again. Let's try to solve

20 this before we call the Magistrate.

21 MR. THOMPSON: I agree. So let's pull the

22 protective order and take a look at it together.

23 Because I believe it specifically excludes disclosure

24 of the identity of the confidential informant. So I

25 don't know how you can introduce a deposition exhibit

CHAD MINER - October 6, 2010 Page 48  
Direct Examination by Mr. Gosman

1 with the confidential informant on it. I mean --

2 MR. GOSMAN: I had that record before the

3 request for production was even made. That's how. So

4 the identity of the confidential informant was not

5 produced by the Powell Police Department. I had it. I

6 had possession of the record. And I am now using the

7 record in a deposition.

8 MR. THOMPSON: I'm asking you, before we call

9 the Magistrate, for us to look at the protective order.

10 MS. WESTBY: And I'm curious. I mean, this

11 is -- how did you get this record?

12 MR. GOSMAN: You know, I don't really have to

13 even discuss that with you, and I don't intend to.

14 MS. WESTBY: I'm not going to let the witness

15 testify about it until we figure out if it was from a

16 reliable source, so that we know if this information is

17 the accurate information. It's not --

18 MR. THOMPSON: Yeah, it's from the Cody

19 Police Department.

20 MR. GOSMAN: Well, it's from the Cody Police

21 Department, then.

22 MR. THOMPSON: Is that how you got it?

23 MR. GOSMAN: You know, frankly, I will go

24 ahead and tell you that that document was produced as

25 part of the criminal discovery. That document came to

CHAD MINER - October 6, 2010 Page 49  
Direct Examination by Mr. Gosman

1 me when the case was filed or before the case was  
2 filed. That's all I know about it.  
3 MS. WESTBY: Criminal discovery from what?  
4 MR. GOSMAN: That's what I understood, that  
5 it was part of this criminal discovery in the cases  
6 involving Tricia and Bret Wachsmuth.  
7 MR. THOMPSON: I would like, before we call  
8 the Magistrate, to take a look at the protective order.  
9 Because I don't want to violate an order that I  
10 requested from the Court. And I think that's making an  
11 attempt to work this out before we get the Court  
12 involved.  
13 MS. WESTBY: I don't think there's a question  
14 pending, is there? I mean, you just had him turn to  
15 this. So I'm going to -- is that right?  
16 MR. THOMPSON: He asked him if he recognized  
17 it.  
18 MR. GOSMAN: What was his answer?  
19 MR. THOMPSON: It's a --  
20 THE WITNESS: It's a Cody Police Department  
21 personal record.  
22 (Recess taken 3:44 to 4:02  
23 p.m., October 6, 2010)  
24 BY MR. GOSMAN:  
25 Q. Were you aware that the confidential

CHAD MINER - October 6, 2010 Page 50  
Direct Examination by Mr. Gosman

1 informant had been convicted of offenses involved in  
2 dishonesty on numerous occasions?  
3 A. No.  
4 Q. I thought you told me that you, in fact,  
5 pulled up his police record and looked at it?  
6 A. Are you asking me what I recall now or then?  
7 Because I don't recall what I knew about him then as  
8 you're asking.  
9 Q. Okay. That's fine. I understand that.  
10 Let me ask this: Did you pull up his police  
11 record and check it before you went ahead with the  
12 information he gave to you?  
13 A. Yes.  
14 Q. All right. Did you understand that the  
15 manufacture and delivery of methamphetamine was a  
16 felony under Wyoming statute?  
17 A. Yes.  
18 Q. Did you -- were you aware of whether or not  
19 this was, in fact, the City of Powell or the Powell  
20 Police Department that was involved in charges against  
21 the confidential informant for the manufacturing and  
22 distribution of methamphetamine?  
23 A. I don't recall what I knew at that time.  
24 Q. Would you agree with me that the manufacture  
25 and delivery of methamphetamine was a substantially

CHAD MINER - October 6, 2010 Page 51  
Direct Examination by Mr. Gosman

1 more serious crime than the one you investigated of  
2 Bret Wachsmuth?  
3 A. In hindsight?  
4 Q. Yeah, that's fine, Officer.  
5 A. Yes, in hindsight.  
6 Q. Do you remember noting at the time that you  
7 spoke with the confidential informant that he had  
8 multiple felony convictions?  
9 A. No.  
10 Q. Let's go ahead and turn to -- let me ask one  
11 last question about this. Do you know whether  
12 Mr. Jonathan Davis knew about the history of Josh  
13 Bessler?  
14 MS. WESTBY: Object to the form of the  
15 question.  
16 MR. THOMPSON: That needs to be stricken.  
17 That violates the protective order.  
18 MR. GOSMAN: No, I didn't identify the  
19 informant. I want to know if there was any information  
20 that may have come from --  
21 MS. WESTBY: You just said it.  
22 MR. THOMPSON: You just violated the  
23 protective order.  
24 MS. WESTBY: You just said it.  
25 MR. GOSMAN: All right. Well, we'll strike

CHAD MINER - October 6, 2010 Page 52  
Direct Examination by Mr. Gosman

1 that question, and I'll restate it.  
2 BY MR. GOSMAN:  
3 Q. Did Mr. Davis share any information with you  
4 about the confidential informant?  
5 A. No.  
6 (Exhibit 17 identified)  
7 BY MR. GOSMAN:  
8 Q. Let's go ahead and turn to Exhibit 17,  
9 Officer. Can you describe that document for me?  
10 A. Appears to be a search and seizure warrant in  
11 the Fifth Judicial District, Park County, Wyoming.  
12 Q. And does it identify the premises that you  
13 searched?  
14 A. Certainly does.  
15 Q. And are the items that are listed on the --  
16 do the items listed on the search warrant include the  
17 vehicles owned by the Wachsmuth's?  
18 A. It includes a '99 Tan Chevrolet SUV. A '93  
19 Blue Ford Ranger. Those are the vehicles it indicates,  
20 sir.  
21 Q. And did you get the information regarding  
22 those vehicles from the confidential informant?  
23 A. Which information regarding those vehicles?  
24 Q. Well, that's an excellent question.  
25 Did you get information regarding those

CHAD MINER - October 6, 2010 Page 53  
Direct Examination by Mr. Gosman

1 vehicles from the confidential informant?  
2 A. Yes.  
3 Q. All right. And did you conduct any follow-up  
4 to further identify those vehicles?  
5 A. Yes, sir.  
6 Q. All right. And were you able -- did you ever  
7 look at the titles or registration for those vehicles?  
8 A. Before or after you mean?  
9 Q. Before. It would be before the warrant was  
10 effected that night.  
11 A. I don't recall whether I did.  
12 Q. Okay. Were you aware of which of the  
13 vehicles belonged to Bret Wachsmuth?  
14 A. I don't recall what the registration was.  
15 Q. Okay. Do you recall whether the confidential  
16 informant provided you with information concerning who  
17 owned what vehicle or who drove what vehicle?  
18 A. I believe there was some mention of that.  
19 But I can't tell you exactly what that conversation  
20 was.  
21 Q. Looking at that affidavit today and  
22 understanding that you've had plenty of time to reflect  
23 on that affidavit, is there anything in that affidavit  
24 that you would change today if you had the ability to  
25 do so?

CHAD MINER - October 6, 2010 Page 54  
Direct Examination by Mr. Gosman

1 MS. WESTBY: Object to the form of the  
2 question.  
3 MR. THOMPSON: Join.  
4 THE WITNESS: That I would change today?  
5 BY MR. GOSMAN:  
6 Q. Yes, sir.  
7 A. This correction by the judge, I probably  
8 would have left that out.  
9 Q. I don't remember what that was. But I  
10 remember it was not very significant. Let's see,  
11 second page?  
12 A. Did you --  
13 Q. Yes, financial ledgers. Financial ledger  
14 thing that the judge crossed out?  
15 A. Correct.  
16 Q. Okay. And do you know why he crossed that  
17 out? Were you there when he did that?  
18 A. I was.  
19 Q. What did he say, if you remember?  
20 A. I don't remember. For some reason he didn't  
21 think it should be in here, so he took it out.  
22 Q. Okay. You spent time visiting with the  
23 confidential informant. Did he come down to the Powell  
24 Police Department?  
25 A. I believe he did initially, yes.

CHAD MINER - October 6, 2010 Page 55  
Direct Examination by Mr. Gosman

1 Q. And how long did you spend with him?  
2 A. I can't give you an exact time frame. Would  
3 you like me to estimate?  
4 Q. Yes, that would be fine.  
5 A. From my total contact with him?  
6 Q. Yes.  
7 A. Probably a couple hours.  
8 Q. And did you understand that -- or, rather,  
9 that the confidential informant had a reason for  
10 turning in Bret Wachsmuth, other than the fact that he  
11 was trying to make a deal on charges that were pending  
12 against him?  
13 A. Sure.  
14 Q. What was that reason?  
15 A. It had something to do with a custody dispute  
16 he was currently involved in.  
17 Q. Do you remember what that was?  
18 A. I told you what I remember about it. There  
19 was some custody dispute that he was involved in.  
20 Q. I don't know --  
21 A. The confidential informant was involved in.  
22 And that's how it related to him coming to me and these  
23 things transpired.  
24 Q. Okay. So in addition to a warrant that was  
25 outstanding for his arrest that he wanted to be able to

CHAD MINER - October 6, 2010 Page 56  
Direct Examination by Mr. Gosman

1 appear in court on rather than be arrested, there was a  
2 custody dispute?  
3 A. I don't know to what level the custody  
4 dispute was. But, yes --  
5 Q. How could you help him with the custody  
6 dispute?  
7 A. You asked me what his motivations were  
8 against Bret. Is that what your question was?  
9 Q. Yes, it was.  
10 A. So that was one.  
11 Q. All right. And frankly, I'm just sort of at  
12 a loss here to understand how a custody dispute would  
13 involve Bret or Tricia Wachsmuth. Custody of his  
14 children or something?  
15 A. I would imagine, yes.  
16 Q. How did it impact the Wachsmuth's?  
17 A. I believe there was information that the  
18 Wachsmuth's were trying to divulge or -- some  
19 information that the Wachsmuth's were divulging that  
20 was hindering his ability to go forward with the  
21 custody case. But that's about all I can tell you  
22 about it.  
23 Q. Okay. And did that information cause you to  
24 reflect on the motives that Mr. Bessler might have in  
25 providing information against the Wachsmuth family?



CHAD MINER - October 6, 2010 Page 57  
Direct Examination by Mr. Gosman

1 A. They were considered, yes.  
2 Q. And how were they considered?  
3 A. Every confidential informant has motives.  
4 They don't do it because they are good people. So  
5 whether his information was accurate or made up because  
6 of this motivation.  
7 Q. I see.  
8 A. That's what was considered.  
9 Q. Were you able to undertake any additional  
10 steps to verify the information of the confidential  
11 informant?  
12 A. Yes.  
13 Q. What steps were those?  
14 A. Myself, Deputy County Attorney Jonathan  
15 Davis, and Lieutenant Patterson with the sheriff's  
16 office interviewed the confidential informant.  
17 Q. And so you had -- basically, you had the  
18 perspective of three individuals evaluating the  
19 credibility of the witness?  
20 A. Correct.  
21 Q. Did you reach a consensus or agreement, if  
22 you will, about the reliability of his information?  
23 A. Yes.  
24 Q. Now, you mentioned Officer Patterson with the  
25 Park County Sheriff's Office; how was it that he became

CHAD MINER - October 6, 2010 Page 58  
Direct Examination by Mr. Gosman

1 involved in a discussion with the confidential  
2 informant?  
3 A. I requested him to become involved.  
4 Q. And can you tell me way you did that?  
5 A. For two reasons: Initially, I assumed the  
6 location was in Park County, not in the City of Powell.  
7 The second of which is he is, to my knowledge, had a  
8 great deal of experience working drug crimes, namely  
9 marijuana grows.  
10 Q. How long was Lieutenant Patterson with the  
11 confidential informant in your estimation?  
12 A. Probably 45 minutes.  
13 Q. Were you present with Officer Patterson  
14 during the entire time he was with the confidential  
15 informant?  
16 A. I may have stepped out to give something to  
17 the secretary or done a multitude of things. But I did  
18 not leave the building.  
19 Q. And based on what you heard with  
20 Mr. Patterson from the confidential informant, was it a  
21 recital of the information that he had given to you  
22 previously?  
23 MR. THOMPSON: Objection as to form.  
24 MS. WESTBY: Join.  
25 THE WITNESS: My initial meeting with the

CHAD MINER - October 6, 2010 Page 59  
Direct Examination by Mr. Gosman

1 confidential informant before I included Jonathan Davis  
2 and Dave Patterson was brief. So -- so the  
3 confidential informant expanded on his brief interview  
4 I did with him initially.  
5 BY MR. GOSMAN:  
6 Q. And that was in the presence of Officer  
7 Patterson?  
8 A. Lieutenant Patterson, yes.  
9 Q. After you concluded the interview with the  
10 confidential informant and Officer Patterson and  
11 Mr. Davis, what did you do?  
12 A. At some point in time, I went with the  
13 confidential informant so he could show me the physical  
14 house.  
15 Q. And did you identify the home, then?  
16 A. I did.  
17 Q. I'm going to go ahead and jump ahead for a  
18 moment, because I understand that Officer Blackmore  
19 provided some surveillance just prior to the execution  
20 of the warrant; is that your understanding as well?  
21 A. Yes.  
22 Q. Was officer Blackmore at the right house?  
23 Was he conducting surveillance on the right place?  
24 A. I don't know where he was.  
25 Q. Did you have anything to do with his being

CHAD MINER - October 6, 2010 Page 60  
Direct Examination by Mr. Gosman

1 there? Did you tell him where to go?  
2 A. No, sir.  
3 Q. And you are aware -- I think you've  
4 mentioned -- that you had heard that there was a small  
5 child at the residence?  
6 A. I heard that there is a possibility that  
7 there was a child at the residence.  
8 Q. Okay. That's fine. You didn't hear that it  
9 was necessarily a small child?  
10 A. No, sir.  
11 Q. And that information turned out not to be  
12 true, correct?  
13 A. There was no child present in the home.  
14 Q. Do you know whether -- did anyone ever  
15 determine that Officer Blackmore was at the right place  
16 when he made that observation?  
17 A. I did not.  
18 Q. Did you -- have you drawn any conclusions  
19 about that?  
20 A. No.  
21 Q. All right. Let's go ahead and go back.  
22 Before you left the police station, did you  
23 have any discussions with Officer Patterson about what  
24 would be the appropriate response to this information  
25 given you by the confidential informant?

CHAD MINER - October 6, 2010 Page 61  
Direct Examination by Mr. Gosman

1 A. The interview with Lieutenant Patterson and  
2 Jonathan Davis took place at Jonathan Davis' office at  
3 the annex.  
4 Q. Okay. Thank you.  
5 Did you have any discussion with  
6 Lieutenant Patterson at Jonathan Davis' office in  
7 connection with how to proceed with this case?  
8 A. We did.  
9 Q. What was discussed?  
10 A. Lieutenant Patterson told me he was going to  
11 contact the sheriff's' office or the sheriff and let  
12 him know what was going on and go from there.  
13 Q. Anything else?  
14 A. There was some discussions as to how we were  
15 going to proceed.  
16 Q. Well, what was discussed in terms of how you  
17 were going to proceed?  
18 A. An actual verbatim account, I don't have for  
19 you, obviously. There was some discussion about  
20 contacting Tom, not contacting Tom, his kid, how we  
21 were going to -- the discussions were how we were going  
22 to achieve this safely, the execution of a warrant,  
23 should it be granted by the judge.  
24 Q. Okay. Did Lieutenant Patterson tell you that  
25 he was under the impression that this was a small,

CHAD MINER - October 6, 2010 Page 62  
Direct Examination by Mr. Gosman

1 one-light operation involving one or two plants?  
2 A. I recall his determination to be it was a  
3 small one-light grow.  
4 Q. Did that strike you as being a misdemeanor  
5 marijuana grow operation?  
6 MS. WESTBY: Object to the form of the  
7 question.  
8 MR. THOMPSON: Join.  
9 THE WITNESS: Go ahead?  
10 MS. WESTBY: Yeah.  
11 BY MR. GOSMAN:  
12 Q. Yes.  
13 A. All growing of marijuana in Wyoming is a  
14 misdemeanor.  
15 Q. Did Officer Patterson have the opportunity  
16 to -- Lieutenant Patterson -- hear the information  
17 provided by the confidential informant concerning the  
18 threat that Tom -- rather, Bret Wachsmuth may have  
19 presented to the safety of the officers in any  
20 operation to execute the search warrant?  
21 MS. WESTBY: Object to the form of the  
22 question.  
23 MR. THOMPSON: Join.  
24 THE WITNESS: I believe that there was  
25 discussion about Bret, his personality, and the dangers

CHAD MINER - October 6, 2010 Page 63  
Direct Examination by Mr. Gosman

1 that were present in the home while Patterson was  
2 there. I can't say for sure that Patterson was there  
3 when that conversation took place. You'll have to ask  
4 Dave Patterson.  
5 BY MR. GOSMAN:  
6 Q. Did Officer Patterson indicate to you that he  
7 felt that a dynamic entry was uncalled for in this  
8 case?  
9 A. I don't recall him expressing what his  
10 opinion of uncalled for or not. No, he never said that  
11 was uncalled for, that I can recall.  
12 Q. Did he argue against a dynamic entry?  
13 A. There was no argument.  
14 Q. Did he raise concerns about a dynamic entry?  
15 A. Not to me.  
16 Q. Did you feel that he joined with you in the  
17 decision to conduct this as a dynamic entry operation?  
18 A. I don't believe he was ever involved in the  
19 discussions of having a dynamic entry.  
20 Can I just offer you something to prevent you  
21 from keep going on this?  
22 Q. Yes.  
23 A. Most of Lieutenant Patterson's conversations  
24 were with Sergeant Kent after that. So any discussions  
25 after he left the confidential informant, you're going

CHAD MINER - October 6, 2010 Page 64  
Direct Examination by Mr. Gosman

1 to have to ask him or Sergeant Kent about. Not me.  
2 Q. Did you have much of a discussion with him  
3 after the interview with the confidential informant had  
4 been concluded?  
5 A. Yeah. He was standing there and we dictated  
6 the affidavit for the warrant together. So that  
7 discussion.  
8 Q. You mentioned that he discussed with you the  
9 possibility of approaching Tom Wachsmuth in connection  
10 with the service of this warrant?  
11 MS. WESTBY: Object to the form of the  
12 question. Misstates the testimony.  
13 MR. THOMPSON: Join.  
14 MS. WESTBY: Go ahead.  
15 THE WITNESS: We discussed together the  
16 options of what are we -- about Tom being involved.  
17 essentially.  
18 BY MR. GOSMAN:  
19 Q. Did you discuss the option of a dynamic  
20 entry?  
21 A. No.  
22 Q. Had dynamic entry even been considered at  
23 that point?  
24 A. By me?  
25 Q. Yes, I guess it would be by you.

CHAD MINER - October 6, 2010 Page 65  
Direct Examination by Mr. Gosman

1 A. By me?

2 Q. Yes.

3 A. There was all kinds of considerations about

4 how we were going to execute this. So you're asking me

5 if I remember that being part of my thoughts; is that

6 correct?

7 Q. Yes, I am.

8 A. I don't recall if that was part of my

9 thoughts at that time.

10 Q. What were your thoughts at that time,

11 Officer?

12 A. My primary concerns were of how we were going

13 to deal with Tom.

14 Q. And why was that?

15 A. 'Cause Tom is an officer -- or an agent.

16 Q. Is he -- does he have a good reputation?

17 A. With me?

18 Q. Yes, with you.

19 A. At that time?

20 Q. Thank you.

21 Yes, at that time.

22 A. Yes.

23 Q. Did you have any discussion with anyone else

24 at the Powell Police Department about this idea of

25 contacting Tom Wachsmuth?

CHAD MINER - October 6, 2010 Page 66  
Direct Examination by Mr. Gosman

1 A. I believe I may have talked to Sergeant Kent

2 briefly.

3 Q. Do you remember that discussion at all?

4 A. I don't. Just nearly bringing the fact up of

5 how are we going to handle Tom? What are we going to

6 do?

7 Q. Did officer Patterson suggest contacting Tom

8 Wachsmuth to help in the service of this warrant?

9 MS. WESTBY: Object to the form of the

10 question.

11 THE WITNESS: I probably suggested that,

12 actually.

13 BY MR. GOSMAN:

14 Q. Did he agree with that idea?

15 A. I don't recall.

16 Q. Is there any reason why you couldn't have

17 contacted Tom Wachsmuth and had him call his son out

18 from the residence? Or have him bring his son down to

19 the police station or something else?

20 MR. THOMPSON: Objection as to form.

21 MS. WESTBY: Join.

22 THE WITNESS: That decision was made above my

23 head.

24 BY MR. GOSMAN:

25 Q. I do appreciate that, Officer.

CHAD MINER - October 6, 2010 Page 67  
Direct Examination by Mr. Gosman

1 But based on what you knew at the time, is

2 there any reason why that couldn't have happened?

3 MR. THOMPSON: Object as to form.

4 MS. WESTBY: Join.

5 THE WITNESS: Again, that decision was made

6 by others. So the information they used to make that

7 decision, I didn't have.

8 BY MR. GOSMAN:

9 Q. Okay. And I can appreciate that. But let's

10 take the information that you had, based on what you

11 had heard from the confidential informant, based on

12 your discussions with Jonathan Davis and

13 Lieutenant Patterson, was there any reason why Tom

14 Wachsmuth could not have been brought into the service

15 of this warrant to prevent the use of it, as it turns

16 out, a dynamic entry?

17 MS. WESTBY: Object to the form of the

18 question.

19 THE WITNESS: You're asking my personal

20 opinions of reasons why I think Tom shouldn't have been

21 involved?

22 BY MR. GOSMAN:

23 Q. I am in a direct and real sense. But I'm

24 also asking that based on your training and experience

25 as a law enforcement officer, what you knew at that

CHAD MINER - October 6, 2010 Page 68  
Direct Examination by Mr. Gosman

1 time, were there any reasons why Mr. Wachsmuth could

2 not have been involved in the search of that warrant?

3 A. Probably the biggest reason is to put Tom in

4 a position, a bad position, is not really fair to Tom,

5 for one. That forces Tom to make a decision. Between

6 his family or us, police.

7 Q. It does appear that you quoted

8 Lieutenant Patterson extensively for the information

9 concerning the marijuana grow operation in -- or

10 concerning the marijuana grow operations generally in

11 your affidavit for the search warrant, which is

12 Exhibit 17; is that true?

13 A. Seventeen is the search warrant?

14 Q. I'm sorry. Was it?

15 MS. WESTBY: And for clarification, he just

16 testified that the affidavit was done by both of them.

17 (Exhibit 13 identified)

18 BY MR. GOSMAN:

19 Q. Yes. Okay. Let's turn to Exhibit 13. I've

20 given you the wrong exhibit number, and I apologize for

21 that.

22 This is the search and seizure affidavit.

23 Take a moment and look at that and let me know if, in

24 fact, you were relying on Officer Patterson's expertise

25 for that portion of the affidavit related to marijuana

CHAD MINER - October 6, 2010 Page 69  
Direct Examination by Mr. Gosman

1 grow operations.  
2 A. Yes, I was.  
3 Q. I believe that there's a place in that  
4 affidavit where you indicate that based on your  
5 experience, people who grow and/or sell controlled  
6 substances have firearms to protect themselves, their  
7 product, and to intimidate others, do you see that?  
8 And you'll want to take a moment. I don't  
9 mean to hurry you.  
10 A. Which paragraph was it in?  
11 Q. I'm trying to find it. I'm sorry. I don't  
12 have it marked.  
13 Yes, it is in the last sentence. It's  
14 actually part of a sentence. In the second paragraph  
15 on Page 2 of the affidavit.  
16 Are you having trouble finding it, Officer?  
17 A. Yes, I am. Oh, okay. Okay. Your question  
18 as it refers to -- what was the question again?  
19 Q. Was this information information that you  
20 received from Officer Patterson, or was this  
21 information information based on your experience?  
22 A. Based on my knowledge and experience and also  
23 his.  
24 Q. Okay. Do you remember Officer Patterson  
25 telling you that people who grow marijuana have

CHAD MINER - October 6, 2010 Page 70  
Direct Examination by Mr. Gosman

1 firearms to protect themselves, their products, and to  
2 intimidate others?  
3 A. I'm sure that he -- I can't recall him saying  
4 that exactly.  
5 Q. I think we've already established that you  
6 didn't have a lot of experience, at least, in marijuana  
7 grow operations prior to this event; is that true?  
8 A. That's true.  
9 Q. Do you see the difference between persons who  
10 grow and use marijuana for their personal use and those  
11 who grow and sell marijuana to others?  
12 A. Sure.  
13 Q. And would you agree with me that persons who  
14 grow and sell marijuana to others and have possession  
15 of firearms may be more inclined to use those firearms  
16 in the protection of their business interests than  
17 those who use marijuana for personal use?  
18 MS. WESTBY: Object to the form of the  
19 question.  
20 MR. THOMPSON: Join.  
21 THE WITNESS: I can't say as to what they  
22 think.  
23 BY MR. GOSMAN:  
24 Q. Okay. But apparently you did, in fact, say  
25 what they think when you said that people who grow

CHAD MINER - October 6, 2010 Page 71  
Direct Examination by Mr. Gosman

1 marijuana oftentimes protect themselves -- have  
2 firearms to protect themselves, their products, and to  
3 intimidate others, correct?  
4 MS. WESTBY: Object to the form of the  
5 question.  
6 MR. THOMPSON: Join.  
7 THE WITNESS: I said in my affidavit, which I  
8 believe is what you're referring to, persons who grow  
9 and/or sell controlled substances have firearms to  
10 protect themselves, their products, and to intimidate  
11 others. That's what I said in my affidavit.  
12 BY MR. GOSMAN:  
13 Q. And I'll ask one more question about this.  
14 Is it your -- based on your experience and  
15 understanding, do people who grow marijuana have an  
16 equal likelihood as those who sell it, to have and use  
17 firearms to protect themselves, their products, and to  
18 intimidate others?  
19 A. In my experience?  
20 Q. Yes.  
21 A. Yes. Now or before February?  
22 Q. Well, before February of 2009?  
23 A. I think we've stated that I didn't have a lot  
24 of experience with marijuana grows.  
25 Q. Have you had experience since then with

CHAD MINER - October 6, 2010 Page 72  
Direct Examination by Mr. Gosman

1 regard to additional marijuana grow operations?  
2 A. Yes.  
3 Q. Let's take just a minute and talk about the  
4 experience -- no, let's not. We don't need to do that.  
5 We don't want to get in any discussions that are going  
6 to take extra time here this afternoon.  
7 MS. WESTBY: Or if they are going to elicit  
8 testimony that you don't want to hear.  
9 MR. GOSMAN: Well, that's a possibility, too.  
10 as a matter of fact.  
11 MR. THOMPSON: No objection.  
12 BY MR. GOSMAN:  
13 Q. Officer, you do understand that many people  
14 in Wyoming own firearms, correct?  
15 A. Yes.  
16 Q. And owning a firearm and having a loaded  
17 firearm in your house is not an indication that a  
18 person possesses a threat to law enforcement; isn't  
19 that true?  
20 MS. WESTBY: Object to the form of the  
21 question.  
22 MR. THOMPSON: Join.  
23 THE WITNESS: I would say true.  
24 BY MR. GOSMAN:  
25 Q. And the fact that a person owns a firearm and

CHAD MINER - October 6, 2010 Page 73  
Direct Examination by Mr. Gosman

1 uses marijuana does not significantly increase the  
2 threat to law enforcement officers in dealing with that  
3 person; isn't that true?  
4 MS. WESTBY: Object. to the form of the  
5 question.  
6 MR. THOMPSON: Jo n.  
7 THE WITNESS: I would disagree with that.  
8 BY MR. GOSMAN:  
9 Q. It does significantly increase --  
10 A. Using drugs and using loaded guns  
11 significantly increases the risk of danger to us, yes.  
12 Q. Did you know -- let me ask this question:  
13 Are there any areas in Powell, Wyoming that are  
14 considered high-crime areas?  
15 A. By my definition?  
16 Q. Yes.  
17 A. No.  
18 Q. The area where the Wachsmuth home was located  
19 is almost on the edge of town, correct?  
20 A. No.  
21 Q. All right. That hardly matters in any event.  
22 Would you consider that area a high-crime  
23 area?  
24 A. No.  
25 Q. And at the time you left Jonathan Davis'

CHAD MINER - October 6, 2010 Page 74  
Direct Examination by Mr. Gosman

1 office, did the confidential informant leave as well?  
2 A. Yes, sir.  
3 Q. And did you have any impression that Tom  
4 Wachsmuth was involved in a drug selling operation?  
5 A. No.  
6 Q. On Page 4 of the affidavit -- let's see, I  
7 guess that would be -- which is the affidavit or search  
8 warrant, there is the statement that the confidential  
9 informant informed you that Tricia's mother forwarded  
10 mostly Oxycodone and morphine and latex gloves inside  
11 stuffed animals?  
12 A. Yes, it says that.  
13 Q. Do you remember that?  
14 A. I do.  
15 Q. And did you have the opportunity to run an  
16 NCIC check on Tricia Wachsmuth?  
17 A. Did I have the opportunity or did I?  
18 Q. Well, I do need to know if you had the  
19 opportunity, yes. Because it's possible that you  
20 didn't do it because you felt like you didn't have the  
21 chance or an opportunity?  
22 A. I did have the opportunity.  
23 Q. And did you do that?  
24 A. No.  
25 Q. Did you run such a check on Tricia's mother?

CHAD MINER - October 6, 2010 Page 75  
Direct Examination by Mr. Gosman

1 A. No, sir.  
2 Q. And was that done after the search, do you  
3 know?  
4 A. I don't know when it was done.  
5 Q. Do you know that it was done?  
6 A. I don't know that it was done for certain, I  
7 guess.  
8 Q. Do you know whether physicians order these  
9 drugs for their patients in lots of this size -- I'm  
10 sorry -- lots of this size. Let's back up for a  
11 second.  
12 MR. THOMPSON: Something you want to tell us?  
13 MR. GOSMAN: Yeah, there is.  
14 BY MR. GOSMAN:  
15 Q. I notice in the affidavit that the  
16 confidential informant stated that as many as 100 of  
17 these pills were sent in these latex gloves from Tricia  
18 Wachsmuth's mother. Do you see that?  
19 A. I'm having incredible trouble finding things  
20 today.  
21 Q. I understand. I should have had it marked.  
22 A. In any event, I recall what you're talking  
23 about.  
24 Q. Did you believe that Tricia's mother was  
25 sending lots of 100 of these narcotics to her daughter

CHAD MINER - October 6, 2010 Page 76  
Direct Examination by Mr. Gosman

1 and son-in-law?  
2 A. I don't recall what my opinion was at the  
3 time. Whether I believed it or not, I put it in the  
4 affidavit.  
5 Q. Had you had any training in abuse of  
6 prescription medication prior to this event on the 24th  
7 of February?  
8 A. Yes.  
9 Q. Did you have an opinion about whether or not  
10 physicians normally order these drugs in lots of that  
11 size, 100 pills?  
12 A. I have seen that before.  
13 Q. And did you -- were you -- you were told why  
14 Tricia's mother had these pills, correct?  
15 A. Do you want me to read my affidavit?  
16 Q. You don't have to read it to me, but review  
17 it if you need to.  
18 A. Okay. Yes, I was told.  
19 Q. Okay. And did you -- did it occur to you  
20 that it was sort of stretching the imagination to think  
21 that a woman would be sending her medication of  
22 treatment for cancer to her daughter in latex gloves in  
23 that size?  
24 MS. WESTBY: I have to object to the --  
25 MR. GOSMAN: Is that a question?

CHAD MINER - October 6, 2010 Page 77  
Direct Examination by Mr. Gosman

1 MR. THOMPSON: I'm not sure.  
2 BY MR. GOSMAN:  
3 Q. Did you feel that Mr. Lessler --  
4 MR. THOMPSON: Objection as to the --  
5 Counsel, you're violating the protective order. And  
6 that needs to be stricken from the record.  
7 MR. GOSMAN: Well, I don't know that it does.  
8 I don't agree with that at all. But I'm not going to  
9 get in that argument. So we'll strike that and we'll  
10 go on.  
11 BY MR. GOSMAN:  
12 Q. Did you have any concerns about the  
13 credibility of this confidential informant when he gave  
14 you that information about Tricia's mother?  
15 A. As it pertains to the pills and Tricia's  
16 mother, I had no way to verify that, correct.  
17 Q. Did you know that in addition to this custody  
18 dispute, the confidential informant had been kicked out  
19 of the Wachsmuth home recently?  
20 A. I did.  
21 Q. Did you know that he had threatened the  
22 Wachsmuth's?  
23 MS. WESTBY: Object to the form of the  
24 question.  
25 MR. THOMPSON: Join.

CHAD MINER - October 6, 2010 Page 78  
Direct Examination by Mr. Gosman

1 THE WITNESS: I wasn't aware of any threats.  
2 Are you referring to violent, physical threats?  
3 BY MR. GOSMAN:  
4 Q. Yes.  
5 A. No, I was not aware of any of that.  
6 Q. Did you probe the confidential informant to  
7 determine whether what he was telling you was true or  
8 whether it was motivated -- whether it was untrue and  
9 motivated by a desire for revenge?  
10 MS. WESTBY: Object to the form of the  
11 question.  
12 MR. THOMPSON: Join.  
13 THE WITNESS: Probe him as to whether his  
14 custody dispute and their interference with that?  
15 BY MR. GOSMAN:  
16 Q. And the fact that he'd been kicked out of the  
17 Wachsmuth residence, in fact, motivated him to lie to  
18 you?  
19 MR. THOMPSON: Object as to form.  
20 MS. WESTBY: Join.  
21 THE WITNESS: If I thought he was lying to me  
22 about the marijuana grow, I wouldn't have applied for a  
23 search warrant.  
24 BY MR. GOSMAN:  
25 Q. Did you think he was lying to you about

CHAD MINER - October 6, 2010 Page 79  
Direct Examination by Mr. Gosman

1 anything that he told you?  
2 A. I don't remember suspecting him of lying of  
3 anything.  
4 BY MR. GOSMAN:  
5 Q. You did indicate that you were unable to  
6 verify any of the information regarding Tricia  
7 Wachsmuth and the prescription pills being sent to her,  
8 correct?  
9 MS. WESTBY: Object to the question.  
10 Misstates the testimony.  
11 MR. GOSMAN: And it may. You can certainly  
12 say that's not correct. In which case you'll be able  
13 to clear this up.  
14 THE WITNESS: You lost me. The question you  
15 asked me was what again?  
16 BY MR. GOSMAN:  
17 Q. Let's see. That you were unable to verify  
18 that Tricia Wachsmuth's mother was sending her  
19 prescription medication through the mail.  
20 MS. WESTBY: Object to form.  
21 MR. THOMPSON: Join.  
22 THE WITNESS: Prior to the execution of the  
23 search warrant?  
24 BY MR. GOSMAN:  
25 Q. Prior to, yes.

CHAD MINER - October 6, 2010 Page 80  
Direct Examination by Mr. Gosman

1 A. Prior to the execution of the warrant, we  
2 were unable to verify that, yes.  
3 Q. And subsequent to the execution of the  
4 warrant, what happened?  
5 A. We were able to verify that.  
6 Q. How were you able to verify that?  
7 A. Because everything he said was accurate with  
8 the exception of -- do you want me to stop.  
9 Q. No, I certainly don't.  
10 A. With the exception of there were no drugs  
11 located inside the animals that we found. They were as  
12 he described them, cut open in the back and packaged  
13 with a letter to her mother to be sent back to her  
14 mother.  
15 Q. Okay. There was a letter in the package to  
16 her mother?  
17 A. A letter or an envelope addressed to her mom  
18 or something in reference to Tricia's mother.  
19 Q. Now, you were one of the officers that was  
20 involved in the search of the house after it had been  
21 cleared, correct?  
22 A. Correct.  
23 Q. And so did you find this box or see it?  
24 A. I saw it. I don't recall who found it.  
25 Q. You saw the box with the stuffed animals in

<p>CHAD MINER - October 6, 2010 Direct Examination by Mr. Gosman</p> <p>1 them? 2 A. Correct. 3 Q. And you saw a letter in the box? 4 A. A letter or an envelope addressed to Tricia's 5 mother. 6 Q. You don't remember whether it was just an 7 envelope without a letter in it? 8 MS. WESTBY: Object to the -- 9 THE WITNESS: I don't remember. 10 MS. WESTBY: Object to the form of the 11 question. 12 (Exhibit 23 identified) 13 BY MR. GOSMAN: 14 Q. Let's jump ahead for just a moment and look 15 at the inventory that was done on the search that 16 night, and I believe that's Exhibit 23. And I want you 17 to go through that. 18 And by the way, I don't think we need to go 19 through the whole thing -- where did you find this box? 20 A. I didn't find the box. 21 Q. Where did you see the box? 22 A. I believe it was in the living room. 23 Q. In the living room. So this report, which is 24 Exhibit 23, breaks down the search and the items found 25 by room. So let's start with the living room, at</p>	<p>CHAD MINER - October 6, 2010 Direct Examination by Mr. Gosman</p> <p>1 stuffed animals and a letter. Is that the letter that 2 you're referring to, as far as you know? 3 A. Yes, sir. 4 Q. Okay. And was that letter logged into 5 evidence, as far as you know? 6 A. Yes, sir. 7 (Exhibit 32 identified) 8 BY MR. GOSMAN: 9 Q. There is another document that refers to the 10 evidence in the case. It's Exhibit 32. Let's just see 11 if we can find that letter in this document. It was 12 prepared by Officer McCaslin. 13 MS. WESTBY: What was the exhibit number? 14 MR. GOSMAN: Thirty-two. 15 THE WITNESS: Number 32 in that list. 16 BY MR. GOSMAN: 17 Q. Do you see that little notation in connection 18 with that box -- or that entry, two stuffed animals in 19 box with letter? Oh, does it say "drugs in them, no"? 20 A. I don't know what it says. 21 Q. Okay. It's hard to tell, isn't it? Oh, 22 drugs -- it may be "drugs there, no." I have the 23 benefit of being able to magnify that. 24 All right. That doesn't matter. 25 Now, we've talked for just a minute about the</p>
<p>CHAD MINER - October 6, 2010 Direct Examination by Mr. Gosman</p> <p>1 least. 2 Where is the -- oh, there we go. I see it 3 actually in the kitchen. Do you see that box 4 containing stuffed animals and letter? 5 MS. WESTBY: Oh, my God. It's the smoking 6 gun. 7 MR. THOMPSON: Bottom of the 9th, two outs. 8 BY MR. GOSMAN: 9 Q. So, here we go. We found it. Apparently 10 there was a letter. 11 A. Maybe we should take a break. 12 Q. If you'd like to, we can do that. 13 A. Yes, I would like to. 14 Q. Very good. 15 (Recess taken 4:47 to 5:17 16 p.m., October 6, 2010) 17 BY MR. GOSMAN: 18 Q. Officer, did you get a chance to read the 19 letter that was in the box containing the stuffed 20 animals? 21 A. I can't say if I did or didn't. I don't 22 remember. 23 Q. Okay. In any event, as we have discovered, 24 there is listed on the inventory, Chapman's 25 inventory -- or Chapman's report, a box containing</p>	<p>CHAD MINER - October 6, 2010 Direct Examination by Mr. Gosman</p> <p>1 discovery of this box with the stuffed animals in it, 2 which tends to corroborate the story that the CI gave 3 you that evening about stuffed animals being used to 4 transfer drugs, correct? 5 A. Correct. 6 Q. And were you aware of any evidence taken at 7 the scene or any evidence that was developed in these 8 cases after that evening that substantiated whether any 9 of the pills in that house were, in fact, pills, other 10 than those which were under prescription for Bret 11 Wachsmuth? 12 MR. THOMPSON: Objection as to form. 13 MS. WESTBY: Join. 14 THE WITNESS: To my knowledge, there were no 15 prescription drugs that we could deem were not in 16 conjunction with a valid prescription. 17 Is that a long answer to your question? 18 BY MR. GOSMAN: 19 Q. Just what I was looking for. Thank you. 20 Were you the officer that was associated with 21 either one of these two cases going forward? The 22 testifying officer -- 23 A. On the criminal matter? 24 Q. Yes. 25 A. I would have been the case officer for this</p>

CHAD MINER - October 6, 2010 Page 85  
Direct Examination by Mr. Gosman

1 case.  
2 Q. All right. And that would have been for both  
3 Bret and Tricia Wachsmuth?  
4 A. Correct. Might I clarify for you?  
5 Q. Yes.  
6 A. As it pertains to the drugs, I was the case  
7 officer for that.  
8 Q. Okay. Was there any other aspect of the  
9 case, other than the drugs?  
10 A. There was a separate computer case that  
11 Investigator Brown and Officer Lara were --  
12 Q. Were involved with?  
13 A. Correct.  
14 (Exhibit 14 and 15 identified)  
15 BY MR. GOSMAN:  
16 Q. Let's go ahead and turn to exhibits -- we  
17 started with 13. And I'll ask you now to turn to  
18 Exhibit 14 and 15. And let's identify these exhibits  
19 as a group if we can, first.  
20 A. You want me to identify 14 for you?  
21 Q. Yes.  
22 A. Affidavit of probable cause for Bret  
23 Wachsmuth in Fifth Judicial District, Park County,  
24 Wyoming.  
25 Q. Okay.

CHAD MINER - October 6, 2010 Page 86  
Direct Examination by Mr. Gosman

1 A. Number 15 is an affidavit of probable cause  
2 in the Fifth Judicial District of Park County for  
3 Tricia Wachsmuth.  
4 Q. And going forward, would it be fair for us  
5 to -- well, let me put it this way: Are the content of  
6 these Exhibits, 14 and 15, as they pertain to the  
7 information that you received from the confidential  
8 informant, identical? So we can refer to one without  
9 referring to them both?  
10 A. I would concede that, yes.  
11 Q. Let's go ahead and take Exhibit 14, and I  
12 want you to review the information in the affidavit and  
13 tell me if there was any additional information  
14 concerning, or that relates to Bret Wachsmuth posing a  
15 threat to the safety of the officers than what is  
16 present in that document?  
17 MS. WESTBY: Object to the form of the  
18 question.  
19 MR. THOMPSON: Join.  
20 BY MR. GOSMAN:  
21 Q. Of which you have knowledge -- or had  
22 knowledge at the time of the execution of the search  
23 warrant.  
24 MR. THOMPSON: Same objection.  
25 MS. WESTBY: Join.

CHAD MINER - October 6, 2010 Page 87  
Direct Examination by Mr. Gosman

1 THE WITNESS: I think your question was: Is  
2 there any direct knowledge I have from the CI of  
3 information that's not contained in this affidavit?  
4 BY MR. GOSMAN:  
5 Q. Yes.  
6 A. The CI provided me with some information  
7 pertaining to the computer of Bret Wachsmuth and  
8 certain images of child pornography possibly being on  
9 there.  
10 Q. Now, are you sure that information came from  
11 the CI and not from Bret Wachsmuth himself?  
12 A. I've never spoke to Bret Wachsmuth.  
13 Q. All right.  
14 A. The way it was relayed to me by the CI is  
15 that, "Bret is accusing me of looking up child porn on  
16 this and is going to use it against me in this custody  
17 fight. But it wasn't me, it was" -- he said it was  
18 Bret that looked up the pornography. So that's the  
19 allegation I don't see in this affidavit.  
20 (Exhibit 20 identified)  
21 BY MR. GOSMAN:  
22 Q. Let's go ahead and turn to Exhibit 20, which  
23 is a report that you filed in the case. And was that  
24 document filed after the affidavit that we've just been  
25 looking at in Exhibit 14?

CHAD MINER - October 6, 2010 Page 88  
Direct Examination by Mr. Gosman

1 A. Is your question whether this police report  
2 was completed after the affidavit?  
3 Q. Yes.  
4 A. Completed --  
5 MS. WESTBY: And I guess I have to object.  
6 This isn't his report -- oh, is this your report?  
7 THE WITNESS: Yes, this is.  
8 MS. WESTBY: Oh, okay. I'm sorry.  
9 THE WITNESS: I guess I answered it already.  
10 BY MR. GOSMAN:  
11 Q. Okay. I think the question was: Was this  
12 document prepared after the affidavits?  
13 A. Prepared. I don't recall the sequence of  
14 events. But my normal procedure for preparing an  
15 affidavit is to type my narrative, what you see here in  
16 Exhibit 20, and then use that to create my affidavit.  
17 That's my normal procedure for preparing an affidavit.  
18 So I have no reason to believe that I deviated from  
19 that.  
20 Q. In this document, there is an additional  
21 statement that you were informed by the confidential  
22 informant that Bret was paranoid and always looking out  
23 the windows.  
24 A. Okay.  
25 Q. And other than the fact that Bret was -- Bret



CHAD MINER - October 6, 2010 Page 89  
Direct Examination by Mr. Gosman

1 always looked out the windows, did the confidential  
2 informant give you any objective information about Bret  
3 Wachsmuth's paranoia?  
4 In other words, how it manifested itself?  
5 MS. WESTBY: Object to the form of the  
6 question.  
7 MR. THOMPSON: John.  
8 THE WITNESS: So your question was, did he  
9 give me any information as to the course of Bret's  
10 anxiety?  
11 BY MR. GOSMAN:  
12 Q. No. Right now I'm asking you if he told you  
13 anything specific that would have identified Bret as  
14 paranoid, other than the fact that he looked out the  
15 windows.  
16 A. No, that was just a description he used to  
17 describe Bret.  
18 Q. That he was paranoid?  
19 A. Right.  
20 (Exhibit 16 identified)  
21 BY MR. GOSMAN:  
22 Q. We're going to clear up one other issue in  
23 Chretien's report, which is Exhibit 16, he indicates  
24 that he was told that Bret has armor-piercing  
25 ammunition, did that come from you?

CHAD MINER - October 6, 2010 Page 90  
Direct Examination by Mr. Gosman

1 A. No, sir, I don't believe so. I don't recall  
2 that statement at all.  
3 Q. Your report doesn't mention anything about  
4 Bret being mentally unstable, but there is evidence,  
5 and I believe it's in Chretien's report, that Bret  
6 Wachsmuth was described as mentally unstable, do you  
7 know where that information came from?  
8 A. Probably the descriptions I relayed that the  
9 CI had given to me about.  
10 Q. And in other words, his conclusion that Bret  
11 was unstable would have been -- at least as far as you  
12 know, would have been based on the information that you  
13 supplied him from the confidential informant?  
14 MS. WESTBY: Object to the form of the  
15 question.  
16 BY MR. GOSMAN:  
17 Q. As far as you know? I'm not really looking  
18 for anything deeper than that.  
19 A. I don't know how he concluded that.  
20 Q. All right. As a matter of fact, he indicated  
21 that Officer Lara had told him that Bret was unstable.  
22 A. Okay.  
23 Q. Did you hear that?  
24 A. No.  
25 Q. Now, in the statements that are contained in

CHAD MINER - October 6, 2010 Page 91  
Direct Examination by Mr. Gosman

1 your affidavit of probable cause and in your report,  
2 there is the reference to the fact that the  
3 confidential informant had called Mr. Wachsmuth and  
4 told him that the cops were coming. When did you first  
5 learn about this?  
6 A. At the end of my interview with the CI.  
7 Q. CI?  
8 A. Right.  
9 Q. With you -- when you were with Patterson and  
10 Jonathan Davis?  
11 A. It was that interview. I don't recall who  
12 was present in the room at that point in time.  
13 Q. What time of the day was it that you  
14 concluded your discussions with the confidential  
15 informant?  
16 A. I would say late afternoon.  
17 Q. And you then prepared the affidavit for the  
18 search warrant, correct?  
19 A. Correct.  
20 Q. And was that submitted to the judge before  
21 5:00?  
22 A. No.  
23 Q. Submitted to the judge after 5:00?  
24 A. Yes.  
25 Q. Approximately when?

CHAD MINER - October 6, 2010 Page 92  
Direct Examination by Mr. Gosman

1 A. I don't recall the time. It was evening.  
2 Q. Had you discussed the warrant with any other  
3 officers to alert them that you would be needing some  
4 assistance in effecting a search?  
5 A. I communicated my findings to Sergeant Kent.  
6 Q. About what time was that, do you know?  
7 A. In reference to what information, I guess  
8 would be ...  
9 Q. The information that you would be applying  
10 for a search warrant and that you may need help  
11 executing this search warrant -- I'm sorry. I'm  
12 putting words in your mouth.  
13 What did you visit with Officer Kent about?  
14 A. I just advised we would be applying for a  
15 search warrant.  
16 Q. And approximately what time was that?  
17 A. Late afternoon.  
18 Q. Do you know -- I think I asked you this  
19 question. But do you know what time the search warrant  
20 was issued?  
21 A. The time it was signed by the judge?  
22 Q. Is there a time that's on the affidavit  
23 itself?  
24 A. I don't believe so.  
25 Q. Do you know what time that was, roughly?

CHAD MINER - October 6, 2010 Page 93  
Direct Examination by Mr. Gosman

1 A. Evening. I can't tell you. I don't know.  
2 Q. And the warrant was executed at approximately  
3 9:15. Was it in relationship to that time of evening,  
4 approximately how much earlier was it that the search  
5 warrant had been granted?  
6 A. I would say within the hour probably. I'm  
7 guessing. So I don't know for certain what time it  
8 was.  
9 Q. Was there any reason why the search warrant  
10 needed to be served that night?  
11 A. Because we had fresh information. We knew  
12 Bret Wachsmuth knew about the possibility of police  
13 being notified.  
14 Q. That was it, huh?  
15 A. That was one consideration.  
16 Q. Was there anything else?  
17 A. Any other reasons why?  
18 Q. Yes.  
19 A. I would say that would be the reason why. We  
20 had the warrant.  
21 Q. Is that information contained in the  
22 affidavit for the search warrant, Exhibit 13?  
23 A. What information are you referring to?  
24 Q. I'm referring to the information that Bret  
25 Wachsmuth had been informed about the impending search

CHAD MINER - October 6, 2010 Page 94  
Direct Examination by Mr. Gosman

1 warrant.  
2 A. What exhibit are you on?  
3 Okay.  
4 Q. Well, first of all, let's make sure that  
5 exhibit is complete. Because I don't know whether this  
6 is true in the case you have in front of you, but I  
7 don't see Page 5 of the exhibit.  
8 A. You're speaking of Exhibit 13, correct?  
9 Q. I am, yes.  
10 MS. WESTBY: What's the pending question?  
11 MR. GOSMAN: Right now we're trying to find  
12 out whether Exhibit 13 is complete as it appears in the  
13 notebook.  
14 THE WITNESS: It seems to me there would be a  
15 signature page.  
16 BY MR. GOSMAN:  
17 Q. I have a signature page, and I'm going to  
18 bring that over to you. We will produce that signature  
19 page.  
20 This is Page 5 of Exhibit 13. I think you  
21 can tell from the context that that's true. But go  
22 ahead and examine that for yourself and be satisfied  
23 that that is the last page.  
24 A. Yeah, I'm satisfied. Let me scroll all the  
25 way through the document. It must be a new document.

CHAD MINER - October 6, 2010 Page 95  
Direct Examination by Mr. Gosman

1 Okay.  
2 Q. All right. And have you taken the  
3 opportunity to look at Paragraph 5, and then I'll ask  
4 you the question again.  
5 A. Yes.  
6 Q. Okay. Is there anything in that affidavit  
7 about this information that the confidential informant  
8 had alerted Bret Wachsmuth that he had contacted police  
9 and that he had turned the Wachsmuth's in?  
10 A. I'm going to have to read the entire  
11 affidavit.  
12 Q. That's okay.  
13 MR. GOSMAN: I'm going to go ahead and take a  
14 break for just a second.  
15 (Recess taken 5:42 to 5:45  
16 p.m., October 6, 2010)  
17 BY MR. GOSMAN:  
18 Q. All right. Officer, have you reviewed  
19 Exhibit 13, the affidavit for the search warrant?  
20 A. I have.  
21 Q. Is there any reference there to the  
22 information you received from the confidential  
23 informant that he had, in fact, called Bret Wachsmuth?  
24 A. No.  
25 Q. That is important information, would you

CHAD MINER - October 6, 2010 Page 96  
Direct Examination by Mr. Gosman

1 agree?  
2 MR. THOMPSON: Objection as to form.  
3 MS. WESTBY: Join.  
4 THE WITNESS: Important to who?  
5 BY MR. GOSMAN:  
6 Q. Important to the timing of the operation and  
7 to everyone involved.  
8 MR. THOMPSON: Object as to form.  
9 MS. WESTBY: Join.  
10 THE WITNESS: Important to the people  
11 involved, yes, and the timing of the execution.  
12 BY MR. GOSMAN:  
13 Q. Did you take possession of the search warrant  
14 that was issued?  
15 A. I did.  
16 Q. And what did you do with it?  
17 A. When?  
18 Q. Well, after you received it.  
19 A. Put it in my car.  
20 Q. Okay. Let's go ahead and turn to Exhibit --  
21 I think it's -- oh, 17.  
22 This is the search warrant that was issued in  
23 this case?  
24 A. Yes, sir.  
25 Q. Did you understand this to be an announced

CHAD MINER - October 6, 2010  
Direct Examination by Mr. Gosman

Page 97

1 warrant?  
2 A. Yes, sir.  
3 Q. Did you deliver the search warrant to another  
4 officer?  
5 A. I believe I kept it.  
6 Q. Did you have it with you as -- when you went  
7 to the Wachsmuth residence that evening?  
8 A. I did.  
9 Q. After you put the search warrant in your car,  
10 did you go back to the police station?  
11 A. I did.  
12 Q. And who did you meet with there?  
13 A. There was lots of officers there.  
14 Q. About what time was that, do you know?  
15 A. I would say between 8:00 and 9:00.  
16 Q. All right. So let's back up a bit. When you  
17 contacted Sergeant Kent, other than the fact that you  
18 had -- or were applying for a search warrant, what did  
19 you tell him?  
20 A. I don't recall any other content of that  
21 conversation.  
22 Q. Did you tell him that it was a grow  
23 operation?  
24 A. Yeah, I think he'd known the allegation of  
25 that since the beginning.

CHAD MINER - October 6, 2010  
Direct Examination by Mr. Gosman

Page 99

1 A. I believe it was afternoon when we met at the  
2 county attorney's office.  
3 Q. All right. And you had spoken to him briefly  
4 before that?  
5 A. Briefly.  
6 Q. At what point in these discussions did you  
7 alert another officer to what was going on?  
8 A. After I talked with the confidential  
9 informant at the police department, I immediately  
10 informed Sergeant Kent because of the sensitive nature  
11 of what we were talking about, the CI and I.  
12 Q. And when you say "sensitive nature," are you  
13 talking about the fact that it was Bret Wachsmuth, Tom  
14 Wachsmuth's son?  
15 A. Because it was Tom Wachsmuth's son, yes.  
16 Q. And would that have been around 4:00 in the  
17 afternoon that you spoke with Officer Kent?  
18 A. I told you, I have no idea what time that  
19 was.  
20 Q. So the information that you gave officer Kent  
21 was that there was a marijuana grow operation and that  
22 it involved Tom Wachsmuth's son, correct?  
23 A. Correct.  
24 Q. Did you give him any other information at  
25 that time?

CHAD MINER - October 6, 2010  
Direct Examination by Mr. Gosman

Page 98

1 Q. And -- okay. Since the beginning. That  
2 would have been earlier that afternoon?  
3 A. Correct.  
4 Q. So there were other officers that were aware  
5 of the fact that you were visiting with a confidential  
6 informant about a marijuana grow operation?  
7 A. I believe a team was being assembled to  
8 execute a search warrant in the event it was granted.  
9 Q. What do you base that belief on?  
10 A. Because they were all there when I got back.  
11 Q. Who did you talk to about your confidential  
12 informant during the course of that afternoon, that  
13 would have been responsible for making the decision to  
14 assemble a team?  
15 A. The person, like I told you, the one I  
16 remember, that I relayed information to was Sergeant  
17 Kent.  
18 Q. Okay. And about what time of the day was  
19 that?  
20 A. That was in phone contact with him at various  
21 times of the day.  
22 Q. Okay. And I believe you indicated that you  
23 first spoke with a confidential informant -- I don't  
24 know what time it was. So could you tell me about what  
25 time it was?

CHAD MINER - October 6, 2010  
Direct Examination by Mr. Gosman

Page 100

1 MS. WESTBY: Object to the form of the  
2 question.  
3 MR. THOMPSON: Join.  
4 THE WITNESS: I don't recall.  
5 BY MR. GOSMAN:  
6 Q. Did you tell him that the confidential  
7 informant had told you that there were guns in the  
8 house?  
9 A. I'm certain that I would have relayed that  
10 information.  
11 Q. Did you -- do you think that you relayed the  
12 information concerning the potential threat that Bret  
13 Wachsmuth would have posed to Officer Kent that  
14 afternoon as you discussed with him what was going on?  
15 A. I'm sure I relayed the information about  
16 his -- the CI stated mental issues that maybe Bret had,  
17 his paranoia that the CI described.  
18 Q. Okay. When you learned that Bret Wachsmuth  
19 was, according to the CI, paranoid and looked out the  
20 windows and that he had guns in the house, did you make  
21 any effort to confirm whether or not there was a  
22 criminal history for Mr. Wachsmuth that would tend to  
23 support that -- those statements?  
24 MS. WESTBY: Object to the form.  
25 MR. THOMPSON: Objection. Join.

<p>CHAD MINER - October 6, 2010                      Direct Examination by Mr. Gosman</p> <p>Page 101</p> <p>1 THE WITNESS: At what time?                      2 BY MR. GOSMAN:                      3 Q. Well, this would have been during the period                      4 that you were visiting with the confidential informant                      5 and before you went to the judge's chambers to pick up                      6 the search warrant. Really during the period you were                      7 with the confidential informant.                      8 A. Well, the answer is no, either way.                      9 Q. Okay. Did you have any knowledge of whether                      10 Bret Wachsmuth had a history of violence?                      11 MS. WESTBY: Object to the form of the                      12 question.                      13 MR. THOMPSON: Join.                      14 THE WITNESS: To clarify further down this                      15 line, I had no knowledge of -- Bret Wachsmuth existed                      16 prior to visiting with this confidential informant.                      17 BY MR. GOSMAN:                      18 Q. Did you have the time that afternoon to check                      19 his criminal record?                      20 A. Yes.                      21 Q. Did you have the time to consult with other                      22 sources, as to whether or not Bret Wachsmuth had a                      23 history of violence?                      24 MS. WESTBY: Object to the form of the                      25 question.</p>	<p>CHAD MINER - October 6, 2010                      Direct Examination by Mr. Gosman</p> <p>Page 103</p> <p>1 already talked about in terms of when you first spoke                      2 to him?                      3 A. Correct.                      4 Q. Did he tell you that he was assembling a                      5 team?                      6 A. I believe the information, as it came to me,                      7 was that a team was being assembled, and at some point                      8 I was told Sergeant Chretien was running that portion                      9 of the operation.                      10 Q. And was this before you arrived at the police                      11 station that night, then?                      12 A. Correct.                      13 Q. And were you consulted or asked about the                      14 type of operation that would be appropriate in this                      15 case?                      16 A. I was not.                      17 Q. Did you discuss with Officer Kent the                      18 comments that were made by Sergeant Patterson?                      19 A. No.                      20 MS. WESTBY: Object to the form of the                      21 question. What comments?                      22 MR. GOSMAN: Lieutenant Patterson. Sorry                      23 about that.                      24 MS. WESTBY: What comments?                      25 MR. GOSMAN: The comments that he made about</p>
<p>CHAD MINER - October 6, 2010                      Direct Examination by Mr. Gosman</p> <p>Page 102</p> <p>1 MR. THOMPSON: Join.                      2 MS. WESTBY: Calls for speculation.                      3 THE WITNESS: I'm not aware of anybody else's                      4 feelings. Restate your question, please.                      5 BY MR. GOSMAN:                      6 Q. Yes. Well, did you visit with Officer                      7 Patterson, for instance, about whether or not Bret                      8 Wachsmuth had a history of violence?                      9 A. My recollection is that Lt. Patterson didn't                      10 know Bret Wachsmuth either.                      11 Q. How about Jonathan Davis?                      12 A. I'm certain that Jonathan Davis didn't know                      13 Bret Wachsmuth either.                      14 Q. Did you have more than one conversation with                      15 Officer Kent?                      16 A. Yes.                      17 Q. How many times did you talk to him?                      18 A. I have no idea.                      19 Q. More than twice?                      20 A. Yes.                      21 Q. And what did you talk about?                      22 A. Everything we've already talked about that we                      23 talked about.                      24 Q. All right. Subject to the conversations that                      25 we -- with Sergeant Kent, was the information we</p>	<p>CHAD MINER - October 6, 2010                      Direct Examination by Mr. Gosman</p> <p>Page 104</p> <p>1 contacting Bret -- rather, Tom Wachsmuth.                      2 MS. WESTBY: That completely misstates the                      3 testimony. This witness testified that he's the one                      4 that brought that up.                      5 BY MR. GOSMAN:                      6 Q. Did you discuss that with Sergeant Kent?                      7 A. Okay. Run me through one more time. Did I                      8 discuss what?                      9 Q. With Sergeant Kent the possibility of                      10 visiting with Tom Wachsmuth and having him go to the                      11 door with the police officers and bring his son out, if                      12 you felt there was a danger to the officers?                      13 A. I don't recall having that conversation with                      14 Sergeant Kent.                      15 Q. You did have that conversation with                      16 Lieutenant Patterson, correct?                      17 A. Yes, of that substance. I don't recall the                      18 exact words used in that conversation.                      19 Q. By the time you went to the police station                      20 that evening, was it clear to you that there would be a                      21 team of officers performing a dynamic entry into the                      22 Wachsmuth residence?                      23 A. Yes.                      24 Q. When you arrived at the police station that                      25 night, did you see most of the officers that were</p>

<p>CHAD MINER - October 6, 2010 Direct Examination by Mr. Gosman</p> <p>1 actually present at the operat on there at the police 2 station? 3 A. Yes. 4 Q. And have you trained with those officers 5 before in a simulated dynamic entry? 6 A. Yes. 7 Q. Let's go ahead and turn to Exhibit 16 for a 8 moment. And I'm going to turn your attention to the 9 third paragraph from the bottom of the page starting 10 with the language, "the plan was to knock on the door." 11 I want you to read that paragraph into the record for 12 me. 13 MR. THOMPSON: Object as to form. The 14 document speaks for itself. 15 MS. WESTBY: Join. 16 THE WITNESS: The third paragraph you said? 17 BY MR. GOSMAN: 18 Q. Third paragraph from the bottom starting with 19 "the." 20 A. You want me to read you that entire 21 paragraph? 22 Q. Yes. 23 A. "The plan was to knock on the front door and 24 announce 'police, search warrant' -- in quotations -- 25 if the door did not open immediately, we would use the</p>	<p>Page 105</p>	<p>CHAD MINER - October 6, 2010 Direct Examination by Mr. Gosman</p> <p>1 THE WITNESS: I would say with the exception 2 of immediately, that was the plan. 3 BY MR. GOSMAN: 4 Q. Have you ever seen this report before? 5 A. I'm sure I read it at some point in time. 6 Q. Do you remember noticing that word 7 immediately being out of place? 8 A. I'm sure I read it. 9 Q. Okay. Do you remember noticing that it was 10 out of place? 11 MR. THOMPSON: Objection as to form. 12 MS. WESTBY: Join. 13 THE WITNESS: No. 14 BY MR. GOSMAN: 15 Q. Do you know of any other report that 16 describes the entry plan and the actual entry into the 17 Wachsmuth residence, than what is contained here in 18 Exhibit 16 by Officer Chretien? 19 A. I would have to look at them all. But I 20 don't know of one, off hand, that describes it in 21 detail. 22 Q. Okay. You didn't prepare such a report, 23 correct? 24 A. I think mine briefly describes the events. 25 Q. Yes, it does. Okay. All right. Let's go to</p>	<p>Page 107</p>
<p>CHAD MINER - October 6, 2010 Direct Examination by Mr. Gosman</p> <p>1 ram to force entry. The prim y entry teams' 2 responsibility was to secure the residence and ensure 3 the safety of everyone involved." 4 You want me to continue? 5 Q. Actually, I don't know that you need to 6 continue. That's fine. 7 Is there anything in that two or three 8 sentences that is not as you understood it that night, 9 in terms of the plan to enter the Wachsmuth residence? 10 MS. WESTBY: Wait. Wait. Say that -- 11 MR. GOSMAN: Can we let the witness answer 12 the question. 13 MS. WESTBY: No. I was going to say can I 14 hear that question again? I'm sorry. I didn't hear 15 it. I didn't hear your question. 16 MR. GOSMAN: Okay. Let's have the reporter 17 read that question. 18 MS. WESTBY: That is fine. 19 (The record was read as 20 requested.) 21 MR. THOMPSON: Objection as to form. 22 MS. WESTBY: I don't understand the question. 23 BY MR. GOSMAN: 24 Q. Well, let the witness answer it, if he can? 25 MS. WESTBY: Object to form.</p>	<p>Page 106</p>	<p>CHAD MINER - October 6, 2010 Direct Examination by Mr. Gosman</p> <p>1 Exhibit 20. And I'm on the second page. That's Page 8 2 of your narrative, "A search warrant was prepared and 3 presented to the honorable Bruce Walters." 4 And then it starts, "Myself along with 5 several Officers." Why don't you go ahead and -- let's 6 see, read down to the point where the officers entered 7 the residence and found one occupant. 8 A. You want me to read it? 9 Q. Yes. 10 A. You want me to start where the officers 11 entered or before that? 12 Q. Yes, it would be, "Myself along with several 13 Officers." 14 A. Okay. "Myself, along with several Officers 15 from Powell Police Department executed said search 16 warrant at approximately 2116 hours on 2/24/09. 17 Officer Chapman knocked on the front door and announced 18 'Police, Search Warrant.' I open the door" -- "I 19 opened the front door using a ram at the same time as 20 Officer McCaslin and Sergeant Kent deployed a 21 diversionary device in the northeast bedroom window." 22 Q. Okay. Is that account accurate of what 23 happened? 24 A. It's representative of what happened, yes. 25 Q. Okay. And did you ever feel the need to</p>	<p>Page 108</p>

CHAD MINER - October 6, 2010  
Direct Examination by Mr. Gosman

Page 109

1 modify language in that report?  
2 A. In mine?  
3 Q. Yes.  
4 A. No.  
5 Q. Now, let's go back to Exhibit 16. And now  
6 we'll go down to the second to the last paragraph on  
7 that page, "As the officers arrived." And I'll ask you  
8 to go ahead and read that paragraph into the record,  
9 please?  
10 A. "As officers arrived and approach the house,  
11 the dog started to bark out the front living room  
12 window. Officer Chapman knocked on the front door and  
13 announced 'police, search warrant.' When the door did  
14 not open, Officer Miner forced it open with the ram.  
15 The back yard team of officers were not in position  
16 when this happened, so they secured the backyard and  
17 door area by sight initially, and no windows or doors  
18 were broken on the back of the residence. As the door  
19 was being rammed, Sergeant Kent used the window rake to  
20 break and rake the window to the north east bedroom.  
21 Officer McCaslin then checked the area immediately  
22 inside the window for people or obstacles and deployed  
23 the NFDD."  
24 Q. Okay. Now, I want you to, in your mind, go  
25 through each one of those sentences again and tell me

CHAD MINER - October 6, 2010  
Direct Examination by Mr. Gosman

Page 111

1 THE WITNESS: I don't recall what it was.  
2 BY MR. GOSMAN:  
3 Q. Where was the dog? Did you see the dog?  
4 A. I saw the dog in the front window.  
5 Q. How far away from the dog were you, at that  
6 moment?  
7 A. When I first saw it?  
8 Q. Yes.  
9 A. It's hard for me to say. We weren't at the  
10 house yet when I first saw the dog. We hadn't arrived  
11 at the front door yet when I first saw the dog.  
12 Q. Okay. How far away from the dog were you  
13 when you heard the dog bark?  
14 A. You want me to estimate that, because I don't  
15 have an exact for you?  
16 Q. Let me back up. Were you on the porch?  
17 A. No.  
18 Q. You were approaching the porch?  
19 A. Correct.  
20 Q. And you heard the dog bark?  
21 A. Correct.  
22 Q. And everyone understood that if the dog  
23 barked, that Bret would be looking out the window if he  
24 was there, would that be fair to say? That was  
25 information you had at least?

CHAD MINER - October 6, 2010  
Direct Examination by Mr. Gosman

Page 110

1 if there is anything in that paragraph that is  
2 inconsistent with what you recollect happened.  
3 A. Seems representative.  
4 Q. Did you hear a dog bark out front?  
5 A. I did.  
6 Q. Did you make the statement, "Someone is  
7 peeking out the window"?  
8 A. No.  
9 Q. Did officer Chapman make the statement,  
10 "Someone is peeking out the window"?  
11 A. I don't know who made that statement.  
12 Q. Did you hear it?  
13 A. I'm trying to remember exactly what I heard.  
14 One of the officers said something, but I can't tell  
15 you exactly what that was now. So I did hear something  
16 from another officer, but I don't know what that was.  
17 Q. Was it directed towards the occupants of the  
18 house?  
19 MR. THOMPSON: Objection as to form.  
20 MS. WESTBY: Join.  
21 BY MR. GOSMAN:  
22 Q. In other words, was it a comment about an  
23 occupant inside the house?  
24 MR. THOMPSON: Same objection.  
25 MS. WESTBY: Join.

CHAD MINER - October 6, 2010  
Direct Examination by Mr. Gosman

Page 112

1 MR. THOMPSON: Objection as to form.  
2 MS. WESTBY: Objection.  
3 MR. GOSMAN: Yeah, asked a compound question  
4 there.  
5 BY MR. GOSMAN:  
6 Q. What was your thought or reaction when you  
7 heard the dog bark?  
8 A. Our element of surprise is diminishing.  
9 Q. Okay. So what did you do in response to that  
10 thought?  
11 A. The entry team's pace was sped up when the  
12 dog started to bark.  
13 Q. Was that why the backyard team was unable to  
14 be in position when the door was rammed?  
15 A. I don't know why they weren't able to be in  
16 position. I was never in the backyard.  
17 Q. All right. So you -- were you sort of  
18 running to the front door then?  
19 A. No.  
20 Q. But you were hurrying?  
21 A. We picked up our pace, yes.  
22 Q. And what happened when you got to the front  
23 door?  
24 A. Officer Chapman knocked on the door.  
25 Q. Okay. And at some point in that few moments

CHAD MINER - October 6, 2010 Page 113  
Direct Examination by Mr. Gosman

1 when officer -- or before Officer Chapman knocked on  
2 the door, did you hear someone make a comment?  
3 A. Prior to knocking on the door, yes.  
4 Q. After officer Chapman knocked on the door,  
5 what happened next? Did he just knock on the door?  
6 A. He said, "police, search warrant."  
7 Q. Okay. And then what happened?  
8 A. And then shortly thereafter, nobody answered  
9 the door, so I opened the door.  
10 Q. How long did you wait?  
11 A. Are you looking for my approximation or an  
12 exact number?  
13 Q. Well, of course, if you've got an exact  
14 number, I'll take it.  
15 A. That means I don't.  
16 Q. Yes. An approximation.  
17 A. My approximation would be between five and  
18 ten seconds.  
19 Q. Okay. What was the dog doing during this  
20 period of time?  
21 MR. THOMPSON: Objection as to form.  
22 Go ahead.  
23 THE WITNESS: I heard the dog barking. I  
24 don't know what it was doing.  
25

CHAD MINER - October 6, 2010 Page 114  
Direct Examination by Mr. Gosman

1 BY MR. GOSMAN:  
2 Q. You saw the dog in the yard. Did you see the  
3 dog when you were on the porch?  
4 A. No.  
5 Q. For how long had the dog been barking when  
6 you arrived at the porch?  
7 A. Since it started when we were approaching.  
8 Q. Good answer, officer. I'm going to give you  
9 A plus for that. I'm talking about time. How much  
10 time elapsed?  
11 A. Between 30 seconds and a minute.  
12 Q. Okay. All right. And did you notice anyone  
13 looking out the window?  
14 A. I did not.  
15 Q. When you got inside the door, did you see  
16 where Tricia Wachsmuth was located?  
17 A. Yes.  
18 Q. And where was that?  
19 A. In the living room.  
20 Q. And was she on the couch right next to the  
21 front door?  
22 A. She was on the couch.  
23 Q. And the couch was right next to the front  
24 door, wasn't it?  
25 A. Correct.

CHAD MINER - October 6, 2010 Page 115  
Direct Examination by Mr. Gosman

1 Q. Were you the first officer through the door?  
2 A. No.  
3 Q. Where were you in that line?  
4 A. Not first.  
5 Q. Okay.  
6 A. I don't know. I don't know.  
7 Q. Nobody seems to know what happened after the  
8 door got knocked in.  
9 A. I don't know where I was. I know what  
10 happened.  
11 MS. WESTBY: Object to the form of the  
12 question.  
13 BY MR. GOSMAN:  
14 Q. Were you inside that door within a second or  
15 two?  
16 MS. WESTBY: Object to the form of the  
17 question.  
18 MR. THOMPSON: Join.  
19 THE WITNESS: I was inside the door pretty  
20 quickly.  
21 BY MR. GOSMAN:  
22 Q. Okay. What was Tricia Wachsmuth doing when  
23 you saw her first?  
24 A. I think we already said she was sitting on  
25 the couch.

CHAD MINER - October 6, 2010 Page 116  
Direct Examination by Mr. Gosman

1 Q. Had she -- was she in the process of standing  
2 up?  
3 A. I don't recall what else she was doing other  
4 than ...  
5 Q. Okay. We're going to go back to the police  
6 station before the warrant was served. And I want you  
7 to tell me when you arrived at the police station, what  
8 happened?  
9 A. When I arrived at the police station, the  
10 officers were assembled in our training room  
11 downstairs. They had apparently already discussed a  
12 plan, came up with a plan. They told me what my  
13 portion of the plan was, where I fit into the plan. I  
14 relayed to them quickly the information I had again  
15 that the CI had provided about Bret Wachsmuth's  
16 possible paranoia, the guns in the house, the fact that  
17 Bret possibly sometimes carried a loaded .22 caliber  
18 pistol, as reported by the CI, and the sensitive nature  
19 of it due to Tom Wachsmuth's involvement. The end.  
20 BY MR. GOSMAN:  
21 Q. Now, I take it by that time the decision to  
22 use the SWAT team or dynamic entry had already been  
23 made?  
24 A. Yes, sir.  
25 Q. Were you briefed as to the plan?

CHAD MINER - October 6, 2010 Page 117  
Direct Examination by Mr. Gosman

1 A. Yes.  
2 Q. How long did that take?  
3 A. Minutes.  
4 Q. Were the other officers present at a briefing  
5 or was this something that happened one on one with you  
6 and Sergeant Chretien?  
7 A. There were other officers there. I don't  
8 know who all was there and who was not.  
9 Q. Was there -- as far as you know, was there a  
10 time when all the officers were assembled together and  
11 the plan was reviewed with all the officers present?  
12 A. I don't know if there was that time. I don't  
13 know.  
14 (Exhibit 10 identified)  
15 BY MR. GOSMAN:  
16 Q. Take a look at Exhibit 10 for a moment.  
17 First of all, do you recognize the handwriting there?  
18 A. No.  
19 Q. We were told by, I believe it was Officer  
20 Chretien, that that handwriting looked like someone who  
21 worked at the police department as a  
22 receptionist/secretary?  
23 A. Okay.  
24 Q. What are their names?  
25 A. All the dispatchers' names?

CHAD MINER - October 6, 2010 Page 118  
Direct Examination by Mr. Gosman

1 Q. Well, I don't think it was a dispatcher. But  
2 I don't remember the name. Are there  
3 receptionist/secretaries that are there in the police  
4 department?  
5 A. Just dispatchers.  
6 Q. Okay. Do you know who was present there that  
7 night as a dispatcher?  
8 A. If my recollection serves me right, it was  
9 Marrisa Torczon.  
10 Q. Did you see her taking notes?  
11 A. I did not.  
12 Q. But you did see her there, apparently?  
13 A. I believe so, yes.  
14 Q. I want you to go ahead and tell me in as much  
15 detail as you can the information that you received  
16 from Officer Chretien about your role in the plan.  
17 A. That I was going to be the one to ram the  
18 door should it not open.  
19 Q. And were you -- did he show you diagrams of  
20 the house?  
21 A. There was a diagram of the house on the board  
22 downstairs.  
23 Q. You'd seen the house earlier that day,  
24 correct?  
25 A. I had.

CHAD MINER - October 6, 2010 Page 119  
Direct Examination by Mr. Gosman

1 Q. So that was it. Officer Chretien told you  
2 that you were going to deploy the ram?  
3 A. Correct.  
4 Q. Did you have any follow-up duties after  
5 deploying the ram?  
6 A. To then clear the house with the rest of the  
7 officers.  
8 Q. Did you carry a rifle?  
9 A. No.  
10 Q. Officer, have you had any training in terms  
11 of constitutional law and particularly excessive force?  
12 MS. WESTBY: Wait. I'm sorry. I'm sorry.  
13 I'm losing my train of thought. I need to hear the  
14 question again. I'm sorry.  
15 (The record was read as  
16 requested.)  
17 MS. WESTBY: Okay. Objecting as to form.  
18 THE WITNESS: There is a small block of  
19 training in that realm at the WLEA, Law Enforcement  
20 Academy.  
21 BY MR. GOSMAN:  
22 Q. Did you understand that the use of force is  
23 always to be reasonable based on the governmental  
24 interests that are being protected?  
25 MS. WESTBY: Object to the form of the

CHAD MINER - October 6, 2010 Page 120  
Direct Examination by Mr. Gosman

1 question. Misstates the law.  
2 MR. THOMPSON: Join.  
3 THE WITNESS: My understanding of the  
4 application of force is what a reasonable officer would  
5 do in the totality of the circumstances.  
6 BY MR. GOSMAN:  
7 Q. Do you understand that as an officer, that  
8 you can be liable for constitutional violations that  
9 are committed in your presence?  
10 A. Sure.  
11 Q. All right. So we're now entering the  
12 Wachsmuth home. You see Tricia Wachsmuth on the couch.  
13 And at the time you entered the residence, was she in  
14 the control or custody of any one of the officers?  
15 MS. WESTBY: Object to the form of the  
16 question.  
17 MR. THOMPSON: Join.  
18 THE WITNESS: There was an officer with her.  
19 BY MR. GOSMAN:  
20 Q. Was he pointing his weapon at her?  
21 A. I don't know where his weapon was pointed.  
22 Q. Do you know who that officer was?  
23 A. I do not recall exactly who that was.  
24 Q. Well -- in this case, I want you to -- give  
25 me the best guess that you've got, and we'll try to



CHAD MINER - October 6, 2010 Page 121  
Direct Examination by Mr. Gosman

1 take it from there.

2 MS. WESTBY: No. No. Object to the form of

3 the question, and I'm not going to let you have the

4 witness speculate.

5 BY MR. GOSMAN:

6 Q. You don't know exactly who the officer was?

7 Who do you think the officer was?

8 MR. THOMPSON: Object as to form of the

9 question. Calls for speculation.

10 MS. WESTBY: Answer if you know. If you

11 don't know --

12 THE WITNESS: If I knew, I would have told

13 you. I don't know who that was.

14 BY MR. GOSMAN:

15 Q. All right. And you were the second or third

16 person to go through the door? And I may have just

17 picked that out of thin air.

18 A. I don't know where in line I was. The

19 chances are, I would have been towards the back because

20 of my role as the door ram.

21 Q. All right. Did you understand that and --

22 let me ask this question: Is it your understanding

23 that generally -- and I understand that you have done

24 this on more than one occasion -- the first officer

25 into the room that's being cleared that identifies a

CHAD MINER - October 6, 2010 Page 122  
Direct Examination by Mr. Gosman

1 suspect takes control of the suspect?

2 MS. WESTBY: Object to the form of the

3 question.

4 MR. THOMPSON: Join.

5 THE WITNESS: Not necessarily.

6 BY MR. GOSMAN:

7 Q. Okay. Tell me who you know was ahead of you

8 going through the door that night.

9 A. Officer Chapman. Who I know for a fact. I'm

10 certain Officer Chapman was before me. I can't tell

11 you with certainty who else was before me.

12 Q. Okay. Well, let's go to Exhibit 10 for a

13 moment, and we're going to take a look at the officers

14 that were involved in the operation and those that were

15 specifically assigned to the entry team.

16 And I want you to take a look at the list and

17 the officers that were assigned to the entry team, and

18 I want you to tell me if that's accurate as you

19 remember it, the officers that were assigned?

20 A. According to this document?

21 Q. Yes.

22 A. Again, I'm not certain who went through the

23 door before or after me. But this seems to be an

24 accurate picture of the initial plan, yes.

25 Q. And did you understand that the initial plan

CHAD MINER - October 6, 2010 Page 123  
Direct Examination by Mr. Gosman

1 was for the entry team to enter the house?

2 A. Yes.

3 Q. And so it would be fair to say that every

4 member listed there on Exhibit 10, who was a part of

5 the entry team, would have gone into the house shortly

6 after the door was breached?

7 A. All --

8 MS. WESTBY: Object to the form of the

9 question.

10 MR. THOMPSON: Join.

11 THE WITNESS: All of the entry team went into

12 the house.

13 BY MR. GOSMAN:

14 Q. And did it occur shortly after the door was

15 breached?

16 A. Yes.

17 Q. Did you hear the flashbang device being

18 deployed?

19 A. Certainly.

20 Q. When was that in relation to the ram, your

21 use of the ram?

22 A. It was after.

23 Q. Was it a very short period of time?

24 MS. WESTBY: Object to the form of the

25 question.

CHAD MINER - October 6, 2010 Page 124  
Direct Examination by Mr. Gosman

1 THE WITNESS: A short period of time I would

2 say, yes, sure.

3 BY MR. GOSMAN:

4 Q. Depending on your perspective, that could be

5 years?

6 A. Correct.

7 Q. Was it within ten seconds?

8 A. Yes.

9 Q. Five?

10 A. Don't know.

11 Q. All right. So did you assist with the

12 custody and control of Tricia Wachsmuth, or did you

13 enter the house and participate in the clearing

14 operation?

15 A. I continued into the house.

16 Q. And where did you go?

17 A. To the master bedroom.

18 Q. All right. Was the light on?

19 A. I don't recall.

20 Q. Did you -- did you turn -- let's put it this

21 way: Were you able to see in the bedroom when you did

22 what you did in the bedroom?

23 A. Yes.

24 Q. Did you turn the light out?

25 A. I don't know.

CHAD MINER - October 6, 2010 Page 125  
Direct Examination by Mr. Gosman

1 Q. Okay. Did you notice that there was a fire  
2 in the bedroom?  
3 A. No.  
4 Q. Did you notice where the flashbang device had  
5 been deployed?  
6 A. Yes.  
7 Q. And where was that?  
8 A. The bed, under the window.  
9 Q. Did you recover the casing for the flashbang  
10 device?  
11 A. I don't know who recovered that.  
12 Q. Did you see a pillow or pillows on the bed?  
13 A. Yes.  
14 Q. How long were you in the bedroom clearing it?  
15 A. Minute or two maybe, or probably less.  
16 Q. Okay. And what did you do after you got out  
17 of the bedroom?  
18 A. I believe the first thing I did was grab the  
19 pillow and put it in the bathtub.  
20 Q. Because it was what, smoldering?  
21 A. No, because that's where the flashbang device  
22 had landed. And I wanted to eliminate any danger of a  
23 fire.  
24 Q. Did the pillow -- was the pillow on fire at  
25 that time?

CHAD MINER - October 6, 2010 Page 127  
Direct Examination by Mr. Gosman

1 and I believe it is in the bathtub that has significant  
2 burning to the pillow into the center of the pillow.  
3 How would you explain that?  
4 MR. THOMPSON: Objection as to form.  
5 MS. WESTBY: Join.  
6 THE WITNESS: Sounds like I already did. The  
7 flashbang landed there and burned it.  
8 BY MR. GOSMAN:  
9 Q. Okay. But you didn't notice any burning in  
10 the pillow when you picked it up and put it --  
11 A. It was not on fire.  
12 Q. It was not on fire. All right.  
13 MS. WESTBY: Counsel, have you provided those  
14 photographs?  
15 MR. GOSMAN: Yes.  
16 MR. THOMPSON: In what, self-executing  
17 discovery?  
18 MR. GOSMAN: Yeah, I assume.  
19 MS. WESTBY: I don't think so.  
20 MR. GOSMAN: Well, we can address that later.  
21 MS. WESTBY: Well, if you're going to be  
22 talking to the witnesses about it, you need to produce  
23 it.  
24 MR. GOSMAN: If it hasn't been produced, I  
25 certainly will. I believe that it has.

CHAD MINER - October 6, 2010 Page 126  
Direct Examination by Mr. Gosman

1 A. No.  
2 Q. You put the pillow in the bathtub to  
3 eliminate the danger of a fire but the pillow wasn't  
4 on fire when you did that?  
5 A. Right.  
6 Q. And it wasn't smoldering either?  
7 A. Not that I remember.  
8 Q. And was the bedding smoldering?  
9 A. No.  
10 Q. But the flashbang device had landed on the  
11 bed, correct?  
12 MR. THOMPSON: Objection as to form.  
13 MS. WESTBY: Correct.  
14 THE WITNESS: On the pillow.  
15 BY MR. GOSMAN:  
16 Q. How did you know that?  
17 A. Because the burn mark from the flashbang was  
18 on the pillow.  
19 Q. Okay. Did you ever notice that the pillow  
20 was burning or smoldering in the bathtub after you took  
21 it in there?  
22 A. No, sir.  
23 Q. There are pictures that were taken by Tom  
24 Wachsmuth after the search that night. Probably within  
25 a few hours. And one of those pictures shows a pillow,

CHAD MINER - October 6, 2010 Page 128  
Direct Examination by Mr. Gosman

1 MS. WESTBY: I'm looking.  
2 THE WITNESS: Shall we take a break?  
3 MR. GOSMAN: That's fine. We can do that.  
4 (Recess taken 6:30 to 6:43  
5 p.m., October 6, 2010)  
6 BY MR. GOSMAN:  
7 Q. Did you take the pillow from the northeast  
8 bedroom into the bathroom at the time that you left the  
9 room after you cleared it?  
10 A. I don't recall when I put -- exactly what I  
11 was doing, where I was going when I put that in the  
12 bathroom.  
13 Q. Okay. Where did you go after you left the  
14 northeast bedroom?  
15 A. To the hallway.  
16 Q. What did you observe when you went into the  
17 hallway?  
18 A. Sergeant Eckerdt and Tricia were in the  
19 living room area. She was on the couch, Sergeant  
20 Eckerdt was standing up. That's what I observed.  
21 (Exhibit 41-A identified)  
22 BY MR. GOSMAN:  
23 Q. All right. Let's go ahead and give you a  
24 blank piece of paper. We'll mark this as Plaintiff's  
25 Exhibit 42 [sic]; and I've got a pen.

CHAD MINER - October 6, 2010 Page 129  
Direct Examination by Mr. Gosman

1 A. I got one.  
2 Q. Would you go ahead and diagram the house and  
3 your location at the time that you returned to the hall  
4 after completing the clearing operation of the  
5 northeast bedroom?  
6 A. You want me to write -41 on there?  
7 Q. No, that's fine.  
8 A. How would you like to indicate my position?  
9 Q. Well, go ahead and do that with an X and then  
10 away from the interior of the house a caption that  
11 says --  
12 A. X marks the spot?  
13 Q. Yeah, however you'd like to do that.  
14 Okay. So you indicated that X equals Officer  
15 Miner. Okay. Thank you.  
16 And let's go ahead and identify the living  
17 room and the front door.  
18 A. Is that all right for front door?  
19 Q. That's all right. You might mark front.  
20 When you were standing on the front porch,  
21 other than Officer Chapman, was there anyone standing  
22 on the front porch with you?  
23 A. I don't recall how big - I don't know.  
24 Q. And the door to the basement, the stairway.  
25 A. Oh, yeah.

CHAD MINER - October 6, 2010 Page 130  
Direct Examination by Mr. Gosman

1 Q. When you arrived at that spot you marked X  
2 after clearing the bedroom, you noticed Officer Eckerdt  
3 standing near Tricia Wachsmuth?  
4 A. Correct.  
5 Q. And let's go ahead and draw the couch and the  
6 location of Tricia Wachsmuth, and then the location of  
7 Officer Eckerdt.  
8 A. You want me to use designators for everybody?  
9 Q. Yeah, that's fine. Okay. Good.  
10 Your drawing is not to scale. Approximately  
11 how far away from Tricia Wachsmuth was Officer Eckerdt?  
12 A. 5 feet.  
13 Q. And was Officer Eckerdt pointing his weapon  
14 at Tricia Wachsmuth?  
15 A. No.  
16 Q. Where was his weapon if you know?  
17 A. In front of him pointed at the ground.  
18 Q. And where were the other officers at that  
19 time? Any other officers that you can identify.  
20 A. I can't tell you who was where. I mean,  
21 there was officers close to me here. There was  
22 officers in the kitchen.  
23 Q. Do you know where Officer Chretien was?  
24 A. Not at this point in time.  
25 Q. Were you in the same location that you've

CHAD MINER - October 6, 2010 Page 131  
Direct Examination by Mr. Gosman

1 marked on Exhibit 41 when Tricia Wachsmuth went down  
2 the stairs?  
3 A. I was.  
4 Q. And did you hear Officer Chretien give her  
5 the command, "Bring her over here, she's going first"?  
6 MR. THOMPSON: Objection.  
7 MS. WESTBY: Objecting to the form of the  
8 question. That completely misstates the testimony.  
9 MR. GOSMAN: Everybody but Tricia's.  
10 But go ahead.  
11 THE WITNESS: No.  
12 BY MR. GOSMAN:  
13 Q. You did not hear that?  
14 A. What you just said, I did not hear that.  
15 Q. As you think about it at this moment, do have  
16 any idea where Officer Chretien was when Tricia  
17 Wachsmuth started down the stairs?  
18 A. I'm going to back you up just a second to  
19 clarify what I was talking about. Officer Chretien  
20 approached Ms. Wachsmuth on the couch after I came out  
21 here. So I don't know where he was coming from.  
22 Q. All right.  
23 A. So he ended up here with Tricia prior to  
24 going down the stairs.  
25 Q. He was next to Tricia at that time?

CHAD MINER - October 6, 2010 Page 132  
Direct Examination by Mr. Gosman

1 A. Yes.  
2 Q. Was he pointing his weapon at Tricia  
3 Wachsmuth?  
4 A. No, sir.  
5 Q. And did you hear him issue a command to  
6 Tricia Wachsmuth?  
7 MS. WESTBY: Object to the form of the  
8 question.  
9 MR. THOMPSON: Join.  
10 THE WITNESS: Yes. Isn't that --  
11 BY MR. GOSMAN:  
12 Q. What did he say?  
13 A. Do you want the whole conversation or do you  
14 want that piece?  
15 Q. Well, let's go ahead and do the whole  
16 conversation.  
17 A. Sergeant Chretien asked Tricia either who is  
18 downstairs or is there anyone downstairs. I don't  
19 recall which exact one that was. And I didn't hear her  
20 exact answer, but it was words to the effect of no one.  
21 Again, he asked, again she stated the same.  
22 Sergeant Chretien said, verbatim, I don't  
23 understand, but I know he said you first.  
24 Q. Okay.  
25 A. So the rest of the phrase I can't say

CHAD MINER - October 6, 2010 Page 133  
Direct Examination by Mr. Gosman

1 verbatim, so I'd really hate to say.  
2 Q. Let's go ahead and put Officer Chretien in  
3 his location at the time that he issued that command to  
4 Tricia Wachsmuth?  
5 MS. WESTBY: Object to the form of the  
6 question. Misstates the testimony.  
7 Go ahead.  
8 MR. THOMPSON: Join.  
9 BY MR. GOSMAN:  
10 Q. Approximately how far away from Tricia  
11 Wachsmuth was Officer Chretien when that conversation  
12 took place?  
13 A. 3 feet.  
14 Q. Now, do you know at that moment when Officer  
15 Chretien was communicating with Tricia Wachsmuth where  
16 anyone else was in the house?  
17 A. I can't tell you which officer was where, no.  
18 Q. Was the entire entry team assembled in the  
19 living room or the kitchen?  
20 A. No, I believe there was another officer or  
21 two in this vicinity, in this bedroom, or on this side  
22 of the house somewhere.  
23 MR. THOMPSON: Let the record reflect that  
24 the officer is pointing towards the side of the house  
25 where the two bedrooms are located.

CHAD MINER - October 6, 2010 Page 134  
Direct Examination by Mr. Gosman

1 BY MR. GOSMAN:  
2 Q. Were they in the bedrooms?  
3 A. I don't know where they were exactly.  
4 Q. Was there anyone in the hallway with you?  
5 A. I don't recall anybody being in the hallway  
6 with me, no.  
7 Q. Were there any other officers in the living  
8 room or the kitchen?  
9 A. None in the living room. Besides Sergeant  
10 Eckerdt and Sergeant Chretien, I didn't see who was in  
11 the kitchen. There were officers in there.  
12 Q. Do you know where they were in the kitchen?  
13 A. I do not.  
14 Q. After Sergeant Chretien made the statement to  
15 Ms. Wachsmuth, what happened next?  
16 A. Ms. Wachsmuth got up and walked through the  
17 living room into the kitchen.  
18 Q. And did you understand from officer Chretien,  
19 that the team, if you will, the entry team was ready to  
20 clear the basement?  
21 A. I don't understand your question.  
22 Q. He said she's going first or something to  
23 that effect. I assume that was in connection with the  
24 remaining operation, which involved clearing the  
25 basement.

CHAD MINER - October 6, 2010 Page 135  
Direct Examination by Mr. Gosman

1 MR. THOMPSON: Objection as to form.  
2 MS. WESTBY: Join.  
3 THE WITNESS: The basement was to be cleared.  
4 That's all I know. I don't know what the plan was, I  
5 guess, to clear the basement. If they had discussions  
6 prior to my arrival about clearing the basement, I  
7 don't know that.  
8 BY MR. GOSMAN:  
9 Q. Did you go down to the basement?  
10 A. I did.  
11 Q. And where were you in the procession that  
12 went down to the basement?  
13 MS. WESTBY: Object to the form of the  
14 question.  
15 MR. THOMPSON: Join.  
16 THE WITNESS: I was not in the procession  
17 that went down involving Ms. Wachsmuth.  
18 BY MR. GOSMAN:  
19 Q. All right. What happened?  
20 A. Sergeant Chretien, Ms. Wachsmuth -- and I  
21 believe there were two other officers that went down  
22 also. I don't remember who was where, who went where.  
23 But after they went down, I followed shortly  
24 thereafter, within a minute.  
25 Q. Okay. And when you started down the stairs,

CHAD MINER - October 6, 2010 Page 136  
Direct Examination by Mr. Gosman

1 where was everyone else?  
2 A. They were disbursed into the basement. And  
3 Tricia was at the bottom of the stairs.  
4 Q. Who was with Tricia at that time?  
5 A. There was nobody standing next to her, that I  
6 remember.  
7 Q. They just left her alone?  
8 A. Apparently.  
9 MS. WESTBY: Object to the form of the  
10 question.  
11 THE WITNESS: The basement is about 10 by 10.  
12 BY MR. GOSMAN:  
13 Q. She wasn't very alone then, huh?  
14 A. Right.  
15 Q. All right. So you went down the stairs. Did  
16 you take control of Tricia Wachsmuth at that point?  
17 A. I did.  
18 Q. Was that something that you'd been assigned  
19 to do?  
20 A. No.  
21 Q. Did you handcuff Tricia Wachsmuth at that  
22 point?  
23 A. Downstairs, yes.  
24 Q. And did you then lead her out of the house?  
25 A. I took her upstairs, got her some essentials

CHAD MINER - October 6, 2010 Page 137  
Direct Examination by Mr. Gosman

1 to -- and then we left the house.  
2 Q. How was she dressed?  
3 A. Casually.  
4 Q. Was she in pajamas or clothes, do you  
5 remember?  
6 A. I don't know.  
7 Q. And she -- you allowed her to put a coat on  
8 or something to that effect?  
9 A. Yeah, she asked for things, and I got them  
10 for her.  
11 Q. And then you took her outside?  
12 A. Right.  
13 Q. And put her in the patrol car?  
14 A. Correct.  
15 Q. Were there other officers outside at that  
16 time?  
17 A. Yes, sir.  
18 Q. Did you see anyone performing for the camera  
19 that was there that night?  
20 MR. THOMPSON: Objection as to form.  
21 MS. WESTBY: Join.  
22 BY MR. GOSMAN:  
23 Q. Officers making signs and gestures in front  
24 of the camera?  
25 A. No, sir, I do not recall that.

CHAD MINER - October 6, 2010 Page 138  
Direct Examination by Mr. Gosman

1 Q. Who had the camera?  
2 A. I couldn't even tell you that. I don't know.  
3 Q. Once you got outside, did you -- and place  
4 Tricia Wachsmuth in the car, did you stay with her?  
5 A. No.  
6 Q. Was there another officer with her at that  
7 time?  
8 A. Yes.  
9 Q. Who was that officer?  
10 A. Don't know. I don't know.  
11 Q. Do you remember any of the officers that were  
12 outside when you came up with Tricia Wachsmuth?  
13 A. Is your question, do I remember specifically  
14 who I saw when I came outside or who was assigned to be  
15 outside?  
16 Q. Who you saw.  
17 A. I don't recall who I saw when I came out of  
18 the house.  
19 Q. When you came back up the stairs, did you see  
20 anyone in the house at that time?  
21 A. I encountered Sergeant Kent at some point. I  
22 don't know whether that was still inside the house or  
23 out in front of the house. He was the first officer I  
24 had contact with after coming out from the stairs.  
25 Q. Do you remember any other officers that were

CHAD MINER - October 6, 2010 Page 139  
Direct Examination by Mr. Gosman

1 upstairs or outside when you came upstairs with Tricia  
2 Wachsmuth?  
3 A. I do not. I can't tell you with certainty  
4 where everybody was.  
5 Q. Let's go ahead and -- let's see, perhaps we  
6 can just use the exhibit that we've got.  
7 I'm going to ask you to do another drawing.  
8 I hate to do that to you. But let's do the house.  
9 Actually, what we're interested in is the kitchen area  
10 and the stairs, the living room. So we don't have to  
11 have as much detail as before.  
12 Because I'm going to ask you, Officer, to  
13 describe for me what you know about the position of the  
14 individuals as Ms. Wachsmuth was led down the stairs.  
15 A. I think I told you I don't know.  
16 Q. Okay.  
17 A. So I'm not going to be able to help you any  
18 further than that.  
19 MS. WESTBY: That's the testimony. Do you  
20 want him to keep drawing this?  
21 BY MR. GOSMAN:  
22 Q. Let me ask this question: When Officer  
23 Chretien went to the stairs with Tricia Wachsmuth, did  
24 you move into view of the officers as they assembled to  
25 go down the stairs behind her?

CHAD MINER - October 6, 2010 Page 140  
Direct Examination by Mr. Gosman

1 A. I did not. I was -- I couldn't see them.  
2 There's a bunch of stuff on this side of the wall in  
3 the kitchen obstructing my view of the doorway and  
4 down.  
5 Q. All right.  
6 A. You want me to continue with this?  
7 Q. No, that's fine. When you arrived at the  
8 residence, did you arrive with the entire group of  
9 officers?  
10 A. No, I arrived with the entry team.  
11 Q. Was the entry team together then?  
12 A. In separate vehicles.  
13 Q. Okay. And did the entry team assemble away  
14 from the Wachsmuth house?  
15 A. Yes, sir.  
16 Q. And you walked toward the Wachsmuth house,  
17 then?  
18 A. Correct.  
19 Q. And as you walked towards the Wachsmuth  
20 house, did you notice the vehicles that were outside  
21 the residence?  
22 A. I don't know what vehicles were outside the  
23 residence.  
24 Q. When you approached the door to the house  
25 that night, how many people did you understand were in

CHAD MINER - October 6, 2010 Page 141  
Direct Examination by Mr. Gosman

1 the house?

2 A. I believe there was discussion of up to three

3 people. I can't tell you exact y. I didn't know how

4 many people were in that house.

5 Q. Those three people would have been Bret and

6 Tricia Wachsmuth and the child that had been described,

7 the young child that had been described?

8 MS. WESTBY: Object to the form.

9 MR. THOMPSON: Join.

10 THE WITNESS: The conversation I had after

11 arriving back from getting the search warrant was that

12 they thought there was one person present at the home,

13 and they thought that two people had arrived and one

14 possibly had left. So I guess my assumption would have

15 been Bret and Tricia and possibly one more person is

16 what I anticipated possibly being in the house.

17 BY MR. GOSMAN:

18 Q. Okay. Was that discussed with any of the

19 entry team as you approached the house?

20 A. No.

21 Q. Was it discussed prior to leaving the station

22 who might be at the house?

23 A. Yes.

24 Q. And was it the same three people?

25 A. That was the conversat on I recall and where

CHAD MINER - October 6, 2010 Page 142  
Direct Examination by Mr. Gosman

1 it took place.

2 Q. When you drove by the house that afternoon

3 with the confidential informant, did you notice the

4 vehicles that were there?

5 A. There were vehicles there.

6 Q. Were they the vehicles that were described in

7 the search warrant?

8 A. One of which was, yes.

9 Q. And one of which was not?

10 A. I did not see.

11 Q. All right. The house had an attached garage,

12 correct? Not -- it was a detached garage. I'm sorry.

13 It was a separate structure, I believe?

14 A. A detached garage, yes

15 Q. Was there any suspicion that a vehicle might

16 be in that garage?

17 A. Well, it's a garage.

18 Q. And not all garages are equal when it comes

19 to parking vehicles in them?

20 A. Well, there's a possibility that there could

21 be a vehicle in the garage, yes.

22 Q. You did not see one of the vehicles when you

23 drove by that afternoon with the confidential

24 informant?

25 A. Correct.

CHAD MINER - October 6, 2010 Page 143  
Direct Examination by Mr. Gosman

1 Q. And about what time was that?

2 A. Midafternoon.

3 Q. Did you relay that information to Sergeant

4 Kent or to Sergeant Chretien prior to going to the

5 house?

6 A. I don't know.

7 Q. And you didn't notice whether or not that

8 vehicle was still gone when you arrived at the house

9 later in the evening.

10 A. I believe I told you there was a vehicle

11 there, but I can't -- there was a vehicle at the house.

12 I don't know what vehicle that was. I can't tell you

13 make, model, color, or anything.

14 Q. All right. And that was the vehicle -- so

15 there was a vehicle in front of the house at the time

16 that you assembled to execute the warrant?

17 A. I don't remember where the vehicle was.

18 There was a vehicle at the house.

19 Q. All right. Did you make any mental note of

20 whether the vehicle that was missing when you drove by

21 earlier was Bret Wachsmuth's vehicle?

22 A. I don't recall making that mental note.

23 Q. When you arrived at the house later that

24 evening to conduct the entry, was it the same vehicle

25 that you had seen earlier in front of the house?

CHAD MINER - October 6, 2010 Page 144  
Direct Examination by Mr. Gosman

1 A. Again, I don't remember what vehicle.

2 Q. You don't remember what -- you don't remember

3 whether it was the same vehicle or another one?

4 A. Correct.

5 Q. In the planning stage of this, did you tell

6 me that you were not involved in the planning stage of

7 this at all?

8 A. Correct, just briefly.

9 Q. All right. And so during the time that you

10 were there, was there any discussion about any other

11 threats from the Wachsmuth residence, other than Bret?

12 A. Are you referring to people?

13 Q. Yes.

14 MS. WESTBY: Object to the form of the

15 question.

16 BY MR. GOSMAN:

17 Q. Yes, I am. I'm not referring to the fact

18 there were guns in the house.

19 A. Again, at that time I believe we thought

20 there was a possibility of three people being in the

21 house and possibly more because we don't know who's in

22 the house.

23 Q. All right. I think you said a minute ago

24 that you thought there were up to three people in the

25 house, correct?

CHAD MINER - October 6, 2010 Page 145  
Direct Examination by Mr. Gosman

1 A. Correct.

2 Q. All right. And one of those had been

3 identified as a young child?

4 A. That was --

5 MS. WESTBY: Object to the form of the

6 evidence. Misstates his testimony. He said, "not

7 young child."

8 MR. GOSMAN: That could be right.

9 BY MR. GOSMAN:

10 Q. One of them was a child?

11 A. Possibly was a child.

12 Q. Now, I don't want to spend any more time than

13 we have to on this, but did you not understand that it

14 was a -- did you understand that the child was, say,

15 younger, as opposed to high school age?

16 A. I understood that it wasn't a baby, and it

17 wasn't a grown-up. So somewhere in between.

18 Q. Okay. Was there any discussion about whether

19 the child -- no one was able to identify the child,

20 correct?

21 A. Correct.

22 Q. So there was no -- was there any reason to

23 believe that the child would have presented a threat to

24 the safety of the officers or anyone else there that

25 night?

CHAD MINER - October 6, 2010 Page 146  
Direct Examination by Mr. Gosman

1 A. Well, anyone can be a threat. I guess your

2 question was reasonably?

3 Q. Yes?

4 A. No. Sorry.

5 Q. And was there any reason to believe that

6 Tricia Wachsmuth posed a threat to the safety of the

7 officers?

8 A. Only in the possible defense of herself, her

9 husband, or her marijuana.

10 Q. But there was no objective evidence that she

11 posed a threat to the officers'.

12 MS. WESTBY: Object to the form of the

13 question.

14 MR. THOMPSON: Join.

15 MS. WESTBY: Use of the word objective.

16 Go ahead.

17 THE WITNESS: I'm trying to think of how I

18 want to state this so we don't have to revisit it

19 again.

20 There were no statements by the CI that

21 directly implicated Tricia in any form of violence.

22 Does that answer your question?

23 BY MR. GOSMAN:

24 Q. Yes, it does. And being paranoid is

25 different than being violent, isn't it?

CHAD MINER - October 6, 2010 Page 147  
Direct Examination by Mr. Gosman

1 A. Yes.

2 Q. Peeking out the window is different than

3 being violent?

4 A. Yes.

5 Q. During the encounter with Ms. Wachsmuth in

6 the house in your presence, did you ever observe

7 anything about Ms. Wachsmuth that would lead you to

8 believe that she was posing a threat to the safety of

9 the officers?

10 A. No.

11 Q. And did she appear to be in the process of

12 trying to flee the residence at any time?

13 A. No.

14 Q. Did she appear to be compliant with the

15 officers?

16 A. Yes.

17 Q. After you were done that evening, did you --

18 was there a debriefing of the dynamic entry?

19 A. No. Let me restate that. No, not with me

20 there wasn't.

21 Q. Did you see the marijuana in the home that

22 evening?

23 A. Which marijuana?

24 Q. The marijuana plants.

25 A. I did.

CHAD MINER - October 6, 2010 Page 148  
Direct Examination by Mr. Gosman

1 Q. How tall were they?

2 A. Do you want me to estimate because I'm going

3 to have to unless I refer to my report.

4 Q. I think, as a matter of fact, we better let

5 you refer to your report, if it helps?

6 A. Which exhibit was that again, if you know?

7 Q. Twenty.

8 A. Twenty it is. Looks like I didn't put how

9 tall they were in my report.

10 Q. You did see them?

11 A. Yes.

12 Q. Would it have been easy to dispose of those

13 marijuana plants in the time it would take for someone

14 to knock on the door and answer?

15 A. Depends on how long a time that was.

16 Q. Let's pick a minute.

17 A. A minute.

18 MR. THOMPSON: Objection as to form.

19 MS. WESTBY: Join.

20 THE WITNESS: It really depends on the

21 circumstances that the folks are in.

22 BY MR. GOSMAN:

23 Q. How would they have disposed of those plants

24 in a minute so they couldn't have been recovered?

25 MR. THOMPSON: Objection as to form.

CHAD MINER - October 6, 2010 Page 149  
Direct Examination by Mr. Gosman

1 MS. WESTBY: Join.  
2 THE WITNESS: Would you like me to give you  
3 some ideas?  
4 BY MR. GOSMAN:  
5 Q. Uh-huh.  
6 A. They could chuck it out the window. They  
7 could run it down the garbage disposal. Bury it in the  
8 crawl space. Shit, I don't know. Put it in a suitcase  
9 and hide it. Throw it on the roof. There's a lot of  
10 creative ways.  
11 Q. We're talking -- all right. Let's go back --  
12 you did see the plants, correct?  
13 A. Yes.  
14 Q. And is it true that they were about 2 feet  
15 tall?  
16 A. That would be a fair estimation.  
17 Q. Let me ask this question: Did the  
18 confidential informant give you any information about  
19 the size of the marijuana plants before you went into  
20 the residence?  
21 A. He did.  
22 Q. And what was that information?  
23 A. Again, I don't recall exactly how tall he  
24 said he thought the plants were when he had last seen  
25 them. Are you talking about when he last saw them?

CHAD MINER - October 6, 2010 Page 150  
Direct Examination by Mr. Gosman

1 Q. Yes?  
2 A. I don't recall.  
3 Q. Let's go to Exhibit 14 because I'm pretty  
4 sure it's there and we can find it fairly quickly.  
5 A. Okay, I got it here.  
6 Q. Good.  
7 A. Very bottom of the first page of that  
8 Exhibit 14.  
9 Q. Yes.  
10 A. You want me to read it to you?  
11 Q. Well, let's be careful because I think that  
12 was the first week of January 2009?  
13 A. I think that was the only size reference that  
14 he had given me.  
15 Q. Seemed like there was another one in here.  
16 Let's go ahead and take a minute and look for it.  
17 MS. WESTBY: Did you find it?  
18 THE WITNESS: I think I found what you're  
19 talking about.  
20 BY MR. GOSMAN:  
21 Q. Go ahead. There it is.  
22 A. Page 2.  
23 Q. Page 2. It's Document No. 138.  
24 A. Four paragraphs down.  
25 Q. Yes.

CHAD MINER - October 6, 2010 Page 151  
Direct Examination by Mr. Gosman

1 THE WITNESS: Tom, have you found it?  
2 MR. THOMPSON: Uh-huh.  
3 THE WITNESS: You want me to read that to  
4 you?  
5 BY MR. GOSMAN:  
6 Q. Summarize it, read it, either one?  
7 A. "CI had contacted acquaintance of his  
8 approximately 1 week ago and was told Bret and Tricia  
9 had marijuana plants and they were approximately  
10 two feet tall."  
11 Q. And that was the information that you had  
12 before the entry was made?  
13 A. That's part of it.  
14 Q. Okay. What do you mean by "that's part of  
15 it"? I mean, I'm talking about the size of the  
16 marijuana plants?  
17 A. In reference to that, yes.  
18 Q. All right.  
19 MR. THOMPSON: Did you need a break?  
20 MS. WESTBY: How much longer?  
21 MR. GOSMAN: Very well. I think we can push  
22 through and be done in a very few minutes.  
23 BY MR. GOSMAN:  
24 Q. All right. Let's go ahead and turn to  
25 Exhibit 23 again. You were one of the officers that

CHAD MINER - October 6, 2010 Page 152  
Direct Examination by Mr. Gosman

1 conducted the search that night, correct, after the  
2 entry team had left the home?  
3 A. Yes.  
4 Q. And do you know if the entry team announced  
5 that they had cleared the residence in any formal way  
6 that night?  
7 A. I believe as the rooms were cleared, we said  
8 it. I know I said it when I cleared the room I  
9 cleared.  
10 Q. Do you know approximately how long after you  
11 had entered the house until how much time elapsed from  
12 your entering the house and your securing Tricia  
13 Wachsmuth in the basement?  
14 A. Less than five minutes.  
15 Q. All right. Turning to Exhibit 23, you  
16 indicated that -- well, strike that.  
17 On Exhibit 23, we have a -- an inventory of  
18 the items found in the house, correct?  
19 A. Yes.  
20 Q. Now, one of the things that was mentioned in  
21 one of the reports -- and perhaps it was yours, I'm not  
22 sure. I believe it was, Exhibit 20 -- was that someone  
23 had seen a gun in the hallway.  
24 A. Did you want me to go back to 20 and look for  
25 that?



CHAD MINER - October 6, 2010 Page 153  
Direct Examination by Mr. Gosman

1 Q. Yes, I think we better do that. As a matter  
2 of fact, I see it. It's on Page 3, and it's  
3 Document 17.  
4 MS. WESTBY: What's the Bates stamp number?  
5 MR. GOSMAN: Seventeen.  
6 BY MR. GOSMAN:  
7 Q. And it's the second paragraph, second  
8 sentence. Do you remember seeing that semiautomatic  
9 pistol lying in the hallway?  
10 A. I do.  
11 Q. And did you pick it up or move it?  
12 A. I did not.  
13 Q. Let's go back up to Exhibit 23 and let me  
14 know -- I don't think it's there, but let me know if  
15 that gun lying in the hallway was identified in the  
16 inventory taken that night, Chapman's report.  
17 A. No, sir, I don't see it.  
18 Q. Do you know how many guns were found at that  
19 residence? And that's kind of a -- I know you probably  
20 don't know that, as we sit here tonight.  
21 A. You are correct. I don't know.  
22 Q. This was a handgun that you saw in the  
23 hallway, according to the report?  
24 A. Yes, sir.  
25 Q. And I noticed that there were two handguns

CHAD MINER - October 6, 2010 Page 154  
Direct Examination by Mr. Gosman

1 listed in the bedroom. A .45 and a .357. Oh, there's  
2 three, a Ruger P85, correct?  
3 A. By this report I see three, yes.  
4 Q. And then there is another handgun listed as  
5 being found in the living room. That's at the bottom  
6 of page -- it's at the top, actually, of Page 25. That  
7 was a Beretta .22 caliber.  
8 A. Yes, sir.  
9 Q. And that was on the top shelf of the  
10 bookshelf, correct?  
11 A. According to this, yes.  
12 Q. Did you see that gun?  
13 A. I did not.  
14 Q. Did you see any of the other three handguns?  
15 A. I did.  
16 Q. Okay. Which ones?  
17 A. I was involved in the search of the northeast  
18 bedroom, so all of those.  
19 Q. So you saw all three of those handguns?  
20 A. Yes, sir.  
21 Q. Now, let's go ahead and go to Exhibit 32.  
22 A. Thirty-two is the unmarked?  
23 Q. It's at the end of the tabs.  
24 A. Thirty-two, got it.  
25 Q. Okay. We're going to go through this

CHAD MINER - October 6, 2010 Page 155  
Direct Examination by Mr. Gosman

1 document. I haven't done this before. So I can't  
2 really help you, but we're going to look for all the  
3 handguns that are listed on this Powell Police  
4 Department receipt. And I see as Item No. 14, a .22  
5 caliber Beretta?  
6 A. Agreed.  
7 Q. And then there's the .45-caliber Colt  
8 handgun.  
9 A. Number 21.  
10 Q. And Number 22 is the .357 handgun.  
11 A. Agreed.  
12 Q. There's three.  
13 MS. WESTBY: Are we just doing handguns?  
14 MR. GOSMAN: Yes.  
15 MS. WESTBY: Thirty-seven.  
16 BY MR. GOSMAN:  
17 Q. And 37 is the Ruger P85.  
18 Now, do you see another handgun anywhere on  
19 this document? Go ahead and take a minute.  
20 A. No.  
21 Q. At some point, were the handguns given back  
22 to Bret Wachsmuth?  
23 A. I believe they were released to Tom. But I  
24 didn't do it.  
25 Q. All right. When that happens, is there

CHAD MINER - October 6, 2010 Page 156  
Direct Examination by Mr. Gosman

1 normally a receipt generated for the return of the  
2 items?  
3 A. Yes.  
4 Q. All right. Let's go ahead and stay on  
5 Exhibit 32 since we're there now. There is some  
6 reference in this case to the existence of cocaine  
7 residue in a small bag. Do you remember seeing that  
8 that night?  
9 A. I do.  
10 Q. And did you log it in?  
11 A. I'm sure it's logged in here somewhere.  
12 Q. Okay.  
13 A. Well, I didn't log it on this log. This  
14 isn't my log.  
15 Q. I understand that. Officer McCaslin prepared  
16 this log. He's already told us that. Well, let's go  
17 ahead and go to 23. And I want you to find that entry.  
18 A. Thirty-two or 23?  
19 Q. Yes, the Chapman inventory, which is 23.  
20 A. Okay.  
21 Q. I'm sorry, the question --  
22 A. Oh, there is a question?  
23 Q. Yes. I'm sorry.  
24 The question is: In Exhibit 23, do you see  
25 any reference to a baggie with what you thought may

CHAD MINER - October 6, 2010 Page 157  
Direct Examination by Mr. Gosman

1 have been cocaine residue?  
2 A. I see nothing that references a baggie with  
3 cocaine residue.  
4 Q. Where did you find it?  
5 A. Under the bed in the northeast bedroom.  
6 Q. Do you remember thinking this looks like it  
7 may be cocaine residue?  
8 A. Or meth, yes.  
9 Q. Who did you hand it to?  
10 A. I have no idea.  
11 Q. I don't see any reference in any of the  
12 reports to the fact that Ms. Wachsmuth went downstairs  
13 ahead of the officers. Is there any reason why it  
14 wasn't in your report?  
15 MS. WESTBY: Object to the form of the  
16 question.  
17 MR. THOMPSON: Join.  
18 THE WITNESS: It had no factual bearing on  
19 the case that I was investigating.  
20 BY MR. GOSMAN:  
21 Q. And why did it not have a factual basis?  
22 A. It wasn't part of the investigation of a  
23 marijuana grow operation.  
24 Q. Actually, your report really doesn't contain  
25 much more than just a bare bones account of what

CHAD MINER - October 6, 2010 Page 158  
Direct Examination by Mr. Gosman

1 happened in the residence that night, does it?  
2 MR. THOMPSON: Objection as to form.  
3 MS. WESTBY: Join.  
4 BY MR. GOSMAN:  
5 Q. Is that true?  
6 A. My report indicates my impressions of that  
7 evening.  
8 Q. Okay. Did you go with Sergeant Chretien,  
9 Eckerdt, and Danzer to meet with Bret?  
10 A. No. Again, I've never talked to Bret.  
11 Q. Okay. And do you know how the location of  
12 Bret was identified?  
13 A. I do not.  
14 Q. Were you -- okay. You were not involved in  
15 the interview, then, of Bret at the police station?  
16 A. No.  
17 Q. Were you involved in the interview of Tricia  
18 Wachsmuth at the police station?  
19 A. No.  
20 Q. Okay. We're very close here.  
21 A. Oh, goody.  
22 Q. Did you notice any other damage to the home  
23 than -- well, and you didn't notice any damage caused  
24 by the fire, so did you notice any damage --  
25 A. Sorry.

CHAD MINER - October 6, 2010 Page 159  
Direct Examination by Mr. Gosman

1 Q. All right.  
2 A. Go ahead.  
3 Q. So did you notice any damage to the home as  
4 you went through the home?  
5 A. Yes.  
6 Q. What did you see?  
7 A. Front door was broken.  
8 Q. Okay. What else?  
9 A. The window was broken in the bedroom.  
10 Q. Okay.  
11 A. And there was a hole in the bathroom door.  
12 Q. Did you have the opportunity to go back into  
13 the northeast bedroom after you cleared it the first  
14 time that night?  
15 A. Yeah, I searched it.  
16 Q. You searched it. I knew that. Were you in  
17 there at any other time that night?  
18 A. I'm certain that I was.  
19 Q. And it's your testimony that you just don't  
20 remember when it was that you took the pillow into the  
21 bathroom?  
22 A. It was sometime at the beginning of this.  
23 Q. How long were you at that residence?  
24 A. I don't know.  
25 Q. Give me your best --

CHAD MINER - October 6, 2010 Page 160  
Direct Examination by Mr. Gosman

1 A. I'm sure there should be a dispatch log that  
2 would indicate that.  
3 Q. Let's go ahead and turn to that. You would  
4 have to say that.  
5 A. If you want an exact number, that's what  
6 you're going to have to do.  
7 (Exhibit 19 identified)  
8 BY MR. GOSMAN:  
9 Q. Let's go to Exhibit 19.  
10 A. What are you doing for the next hour?  
11 MS. WESTBY: Just whether he cleared the  
12 residence?  
13 MR. GOSMAN: Well, that's where we'll start.  
14 THE WITNESS: That would indicate how long I  
15 was there.  
16 Man, this is long, huh?  
17 MS. WESTBY: I know. That's what I'm saying.  
18 THE WITNESS: May I write this down?  
19 MR. GOSMAN: Sure.  
20 THE WITNESS: That can't be correct.  
21 MS. WESTBY: I think that's the whole event.  
22 So there may be lots for you.  
23 THE WITNESS: That's exciting. There we go  
24 to Cody.  
25

CHAD MINER - October 6, 2010 Page 161  
Direct Examination by Mr. Gosman

1 BY MR. GOSMAN:  
2 Q. Pardon?  
3 A. We're going to Cody. So hang on. I'm  
4 getting close.  
5 Q. Did you go to Cody that day?  
6 A. Yeah.  
7 Q. Is that where you picked up the CI?  
8 A. No.  
9 Q. Did it have anything to do with this case?  
10 A. We already covered it.  
11 Q. Did we? Why did you go to Cody?  
12 A. To see the judge.  
13 Q. Thank you.  
14 A. You're welcome.  
15 Q. Well, that would tell us what time the  
16 warrant was issued, wouldn't it?  
17 A. That would be very roughly.  
18 Q. Give us the times you were in Cody?  
19 A. Which one you want me to do first?  
20 Q. Excellent question. Let's do that first.  
21 When did you get back from Cody?  
22 A. 2018 hours and 24 seconds.  
23 Q. 2018. So about an hour before the warrant  
24 was executed, yes?  
25 A. 2116 looks like when we arrived at the

CHAD MINER - October 6, 2010 Page 162  
Direct Examination by Mr. Gosman

1 residence to serve the warrant  
2 Q. Okay.  
3 A. You want me to go ahead and answer the first  
4 question?  
5 Q. Yes.  
6 A. Two hours and 42 minutes, roughly.  
7 Q. That was the total time you were there at the  
8 residence?  
9 A. Roughly.  
10 Q. Did you douse the pillow with water when you  
11 put it in the bathtub?  
12 A. I thought he was going to say gasoline.  
13 No, I did not.  
14 Q. In that two hours you were there at the  
15 residence you didn't notice the pillow smoking away in  
16 the bathroom?  
17 A. I did not.  
18 Q. All right. Let's look at Exhibit 36 for just  
19 a minute.  
20 (Exhibit 36 identified)  
21 MS. WESTBY: Do you mean the second  
22 thirty-five?  
23 MR. GOSMAN: Well, there was some confusion  
24 about that exhibit. There it is. It's -- my printer  
25 ran out of ink.

CHAD MINER - October 6, 2010 Page 163  
Direct Examination by Mr. Gosman

1 BY MR. GOSMAN:  
2 Q. Okay. Do you remember getting that e-mail  
3 which is on page 585 of Exhibit 36?  
4 A. Yes.  
5 Q. Can you tell me, if you know, why it was Alan  
6 Kent that sent you that e-mail?  
7 A. Because it looked like he talked to Tim.  
8 Q. And Tim is who?  
9 A. Tim Feathers.  
10 Q. I see. And did you know anything about this  
11 discussion of why -- between Tim and Alan Kent about  
12 why Bret was charged with a misdemeanor?  
13 A. I wasn't at that conversation.  
14 Q. Okay. Did Alan Kent relate to you what he  
15 had visited with the chief about?  
16 A. Yeah, I guess. Yes.  
17 Q. Okay. What did he say?  
18 A. Just that he wanted the weights for the  
19 plants.  
20 Q. Okay. Well, and in connection -- how does  
21 that connect with the question why Bret -- why was Bret  
22 charged with a misdemeanor?  
23 A. Are you asking me why Bret was charged with a  
24 misdemeanor?  
25 Q. No. No. I'm asking you if Officer Kent told

CHAD MINER - October 6, 2010 Page 164  
Direct Examination by Mr. Gosman

1 you why the chief was asking that question.  
2 MR. THOMPSON: Object.  
3 MS. WESTBY: Object to form.  
4 MR. THOMPSON: Yeah. Join.  
5 THE WITNESS: You want me to try to interpret  
6 why Alan Kent would ask Chief Feathers a question?  
7 BY MR. GOSMAN:  
8 Q. No. I'm asking if Alan Kent relayed to you  
9 why it was that the chief wanted to know why Bret was  
10 charged with a misdemeanor?  
11 MR. THOMPSON: Object as to form.  
12 MS. WESTBY: Join.  
13 THE WITNESS: Whoa.  
14 BY MR. GOSMAN:  
15 Q. Did officer Kent relate to you why Chief  
16 Feathers wanted to know why Bret was charged with a  
17 misdemeanor?  
18 MR. THOMPSON: Objection as to form.  
19 THE WITNESS: I don't know.  
20 MS. WESTBY: Join.  
21 BY MR. GOSMAN:  
22 Q. All right. And your response to him was the  
23 weight was unknown?  
24 A. I don't know what my response to him was.  
25 MS. WESTBY: Object to form.

CHAD MINER - October 6, 2010 Page 165  
Direct Examination by Mr. Gosman

1 THE WITNESS: Do you have a response for me?  
2 MS. WESTBY: Are you looking at a document?  
3 MR. GOSMAN: I am. But this is Alan Kent's  
4 e-mail to Chad. So that was a poor question.  
5 BY MR. GOSMAN:  
6 Q. Did you go back, then, to the marijuana and  
7 kick the dirt off of it and get the weights so that  
8 Davis could charge Bret Wachsmuth with a felony?  
9 A. Sergeant Kent and I cleaned the roots of dirt  
10 and weighed the plants so that Davis could make a  
11 decision on what he was going to charge.  
12 Q. And what was the weight?  
13 A. I have no idea.  
14 Q. Okay. Apparently, it wasn't enough to charge  
15 for a felony, correct?  
16 MR. THOMPSON: Objection as to form.  
17 MS. WESTBY: Object.  
18 THE WITNESS: Apparently, whoever ended up  
19 prosecuting this case didn't feel like charging a  
20 felony. That's what I would say.  
21 BY MR. GOSMAN:  
22 Q. It looks like Chief Tim Feathers wanted to  
23 have Tim Wachsmuth [sic] charged with a felony if that  
24 was possible. Is that the impression you got?  
25 MR. THOMPSON: Object as to form.

CHAD MINER - October 6, 2010 Page 166  
Direct Examination by Mr. Gosman

1 MS. WESTBY: Object as to form.  
2 THE WITNESS: I think you should ask Tim  
3 Feathers.  
4 BY MR. GOSMAN:  
5 Q. All right. Let me ask this question: Do you  
6 have an e-mail address of which you have used to  
7 exchange information with the other officers relating  
8 to the Wachsmuth case, other than this one e-mail that  
9 we've seen?  
10 A. Okay. Which question you want me to answer?  
11 Yes, I have an e-mail account.  
12 Q. I assume that, but I'm interested in an  
13 e-mail account that you had communicated about this  
14 case with?  
15 A. Sure, our city e-mail. I don't know what --  
16 Q. Do you have another e-mail --  
17 A. No.  
18 Q. -- address that you used to communicate about  
19 this case?  
20 A. No.  
21 Q. And were there any other e-mail, than the one  
22 we've seen, that you received in connection with this  
23 case?  
24 MR. THOMPSON: Other than those from your  
25 attorneys.

CHAD MINER - October 6, 2010 Page 167  
Direct Examination by Mr. Gosman

1 BY MR. GOSMAN:  
2 Q. Yes, correct.  
3 A. There may have been. I don't know. I can't  
4 tell you.  
5 Q. Have you provided them to your attorneys?  
6 A. I provided them with the things I knew I had.  
7 So from the discovery request.  
8 Q. Did you respond to the document that we've  
9 identified as Number 585 of Exhibit 36?  
10 A. I responded in some fashion. I don't know  
11 whether that was an e-mail. I don't know if that was  
12 talking to Alan.  
13 MR. GOSMAN: All right. Thank you very much,  
14 officer. You're free to go.  
15 (Proceedings concluded at 7:40  
16 p.m., October 6, 2010.)  
17  
18  
19  
20  
21  
22  
23  
24  
25

CHAD MINER - October 6, 2010 Page 168  
Direct Examination by Mr. Gosman

1 DEPONENT'S CERTIFICATE  
2 I, CHAD MINER, do hereby certify, under  
3 penalty of perjury, that I have read the foregoing  
4 transcript of my testimony consisting of 167 pages,  
5 taken on October 6, 2010 and that the same is, with any  
6 changes noted below, a full, true and correct record of  
7 my deposition.  
8 PAGE LINE CORRECTION REASON FOR CORRECTION  
9 \_\_\_\_\_  
10 \_\_\_\_\_  
11 \_\_\_\_\_  
12 \_\_\_\_\_  
13 \_\_\_\_\_  
14 \_\_\_\_\_  
15 \_\_\_\_\_  
16 \_\_\_\_\_  
17 \_\_\_\_\_  
18 \_\_\_\_\_  
19 \_\_\_\_\_  
20 \_\_\_\_\_  
21 \_\_\_\_\_  
22 \_\_\_\_\_  
23 \_\_\_\_\_  
24 \_\_\_\_\_  
25 \_\_\_\_\_

CHAD MINER Date \_\_\_\_\_

CHAD MINER - October 6, 2010  
Direct Examination by Mr. Gosman

Page 169

CERTIFICATE

I, VONNI R. BRAY, Registered Professional  
Reporter, and Notary Public for the State of Montana,  
do hereby certify that CHAD MINER was by me first duly  
sworn to testify to the truth, the whole truth, and  
nothing but the truth;

That the foregoing transcript, consisting of  
168 pages, is a true record of the testimony given by  
said deponent, together with all other proceedings  
herein contained.

IN WITNESS WHEREOF, I have hereunto set my  
hand this 19th day of October, 2009.

13

14

15

16

17

18

19

20

21

Vonni R. Bray, RPR  
P. O. Box 125  
Laurel, MT 59044  
(406) 670-9533 Cell  
(888) 277-9372 Fax  
vonni.bray@yahoo.com

25

Tricia Wachsmuth v.  
City of Powell, et al.Chad Miner  
October 6, 2010

	19:2,6	357 (2)	128:4	7:12,14,15
[	2005 (5)	154:1;155:10	6:43 (1)	accusing (1)
[sic] (2)	12:5;14:15;19:7,11;	36 (4)	128:4	87:15
128:25;165:23	36:5	162:18,20;163:3;	6th (1)	achieve (1)
0	10:16	167:9	20:20	61:22
06 (2)	2007 (3)	37 (1)	7	acquaintance (1)
20:22,23	32:20;33:25;40:20	155:17		151:7
1	2009 (21)	4	7 (5)	Action (3)
	13:23;14:14;15:12;	4 (2)	30:19,21;31:20;33:22;	12:11,11;13:24
	19:14;22:1;27 1;30:22,	13:7;74:6	34:17	actions (1)
	25;31:12,25;34:1,15;	4/23/2004 (1)	7:40 (1)	33:9
	36:6,16;37:4,9;38:4;	13:15	167:15	active (6)
1 (1)	42:4;45:11;71:22;	4:00 (1)	8	11:24;12:18;14:22,23;
151:8	150:12	99:16		20:20;31:8
10 (6)	2010 (5)	4:02 (1)	8 (2)	actual (2)
117:14,16;122:12;	49:23;82:16;95:16;	49:22	108:1;153:2	61:18;107:16
123:4;136:11,11	128:5;167:16	4:47 (1)	8/10/2007 (1)	Actually (18)
10:00 (1)	2018 (2)	82:15	40:17	6:8,25;11:17;13:12;
6:7	161:22,23	40 (1)	8:00 (1)	15:5;28:2;30:15;31:14;
100 (4)	21 (1)	40:17	97:15	32:18;40:8;66:12;69:14;
41:22;75:16,25;76:11	155:9	40-hour (1)	9	82:3;105:1;106:5;139:9;
11/9 (1)	2116 (2)	13:15		154:6;157:24
13:23	108:16;161:25	41 (2)	9/3/2005 (1)	addition (3)
13 (8)	22 (4)	129:6;131:1	13:22	40:20;55:24;77:17
68:17,19;85:17;93:22;	116:17;154:7;155:4,	41-A (1)	9:00 (1)	additional (7)
94:8,12,20;95:19	10	128:21	97:15	15:13;19:3;40:23;
138 (1)	23 (11)	42 (2)	9:15 (1)	57:9;72:1;86:13;88:20
150:23	81:12,16,24;161:25;	128:25;162:6	93:3	address (3)
14 (9)	152:15,17;153:13;	45 (2)	93 (1)	127:20;166:6,18
85:14,18,20;86:6,11;	156:17,18,19,24	58:12;154:1	52:18	addressed (2)
87:25;150:3,8;155:4	24 (3)	45-caliber (1)	99 (1)	80:17;81:4
15 (4)	26:25;33:24;161:22	155:7	52:18	admissible (2)
85:14,18;86:1,6	24th (8)	5	9th (1)	33:18;35:7
16 (5)	19:14;36:6,16,37:3,9;		82:7	Advised (2)
89:20,23;105:7;	42:3;45:10;76:6	5 (6)		42:23;92:14
107:18;109:5	25 (2)	13:7;42:10;94:7,20;	A	aerosol (1)
17 (5)	41:25;154:6	95:3;130:12		16:2
52:6,8;68:12;96:21;	26 (2)	5:00 (2)		affidavit (34)
153:3	46:21,23	91:21,23		53:21,23,23;64:6;
1807 (1)	27 (2)	82:15	ability (4)	68:11,16,22,25;69:4,15;
36:10	14:1,3	95:15	6:15,18;53:24;56:20	71:7,11;74:6,7;75:15;
1818 (1)	28 (3)	5:42 (1)	able (13)	76:4,15;85:22;86:1,12;
21:7	12:6,9;13:23	95:15	16:10;28:6;53:6;	87:3,19,24;88:2,15,16;
19 (2)	3	5:45 (1)	55:25;57:9;79:12;80:5,	17:91:1,17;92:22;93:22;
160:7,9		50 (3)	6:83:23;112:15;124:21;	95:6,11,19
1995 (1)	3 (3)	13:22;41:22,25	139:17;145:19	affidavits (1)
8:22	10:17,18;133:13	50-hour (1)	above (1)	88:12
2	3:44 (1)	14:15	66:22	affirmed (1)
	49:22	585 (2)	abuse (1)	36:13
2 (4)	30 (1)	163:3;167:9	76:5	afternoon (11)
69:15;149:14;150:22,	114:11	6	academy (2)	72:6;91:16;92:17;
23	30-hour (1)	6 (6)	9:24;119:20	98:2,12;99:1,17;100:14;
2/24/09 (1)	16:3	20:14;49:23;82:16;	According (5)	101:18;142:2,23
108:16	31 (7)	95:16;128:5;167:16	39:5;100:19;122:20;	afterwards (1)
20 (8)	11:3,5,12;13:8;15:21;	6:00 (2)	153:23;154:11	9:25
45:19,20;87:20,22;	38:3;40:15	6:30 (1)	account (5)	again (24)
88:16;108:1;152:22,24	32 (5)		61:18;108:22;157:25;	10:16;13:23;34:20;
2003 (1)	83:7,10,15;154:21;		166:11,13	38:8;47:14,19;67:5;
9:22	156:5		accurate (6)	69:18;79:15;95:4;
2004 (6)	35 (3)		48:17;57:5;80:7;	106:14;109:25;116:14;
12:5,15;13:6;14:13;	20:1,5,5		108:22;122:18,24	119:14;122:22;132:21,
			accused (3)	21;144:1,19;146:19;
				148:6;149:23;151:25;

158:10 <b>against (13)</b> 5:18;8:4,7;10:10;44:6; 6:45;15:50;20:55;12; 56:8,25;63:12;87:16 <b>age (6)</b> 38:23,23,25;39:4,11; 145:15 <b>agencies (8)</b> 22:7,8,10;24:17; 29:15,22,24;46:15 <b>agent (1)</b> 65:15 <b>agents (1)</b> 41:6 <b>ago (5)</b> 14:10;25:1,3;144:23; 151:8 <b>agree (6)</b> 47:21;50:24;66:14; 70:13;77:8;96:1 <b>Agreed (2)</b> 155:6,11 <b>agreement (1)</b> 57:21 <b>ahead (55)</b> 10:22;14:3;20:4;25:6; 26:12;29:9;32:17;37:19; 39:17;46:23;47:18; 48:24;50:11;51:10;52:8; 59:17,17;60:21;62:9; 64:14;81:14;85:16; 86:11;87:22;94:22; 95:13;96:20;105:7; 108:5;109:8;113:22; 118:14;122:7;128:23; 129:2,9,16;130:5; 131:10;132:15;133:2,7; 139:5;146:16;150:16; 21:151;24:154;21; 155:19;156:4,17; 157:13;159:2;160:3; 162:3 <b>air (1)</b> 121:17 <b>Alan (8)</b> 25:9;163:5,11,14; 164:6,8;165:3;167:12 <b>alert (2)</b> 92:3;99:7 <b>alerted (1)</b> 95:8 <b>allegation (2)</b> 87:19;97:24 <b>alleviate (1)</b> 39:21 <b>allow (1)</b> 33:19 <b>allowed (3)</b> 32:24;35:14;137:7 <b>almost (1)</b> 73:19 <b>alone (2)</b>	136:7,13 <b>along (3)</b> 108:4,12,14 <b>always (3)</b> 88:22;89:1;119:23 <b>ammunition (1)</b> 89:25 <b>and/or (5)</b> 14:22;23:7,8;69:5; 71:9 <b>animals (9)</b> 74:11;80:11,25;82:4; 20;83:1,18;84:1,3 <b>annex (1)</b> 61:3 <b>announce (1)</b> 105:24 <b>announced (5)</b> 27:15;96:25;108:17; 109:13;152:4 <b>answered (2)</b> 88:9;113:8 <b>anticipated (1)</b> 141:16 <b>anxiety (1)</b> 89:10 <b>apologize (1)</b> 68:20 <b>Apparently (8)</b> 33:24;70:24;81:9; 116:11;118:12;136:8; 165:14,18 <b>appear (5)</b> 44:20;56:1;68:7; 147:11,14 <b>appears (4)</b> 12:13;15:16;51:10; 94:12 <b>applicable (1)</b> 31:22 <b>application (2)</b> 8:6;120:4 <b>applied (1)</b> 78:22 <b>applying (3)</b> 92:9,14;97:18 <b>appreciate (2)</b> 66:25;67:9 <b>approach (1)</b> 109:10 <b>approached (3)</b> 131:20;140:24 141:19 <b>approaching (3)</b> 64:9;111:18;114:7 <b>appropriate (1)</b> 60:24;103:14 <b>approximate (1)</b> 39:11 <b>approximately (13)</b> 9:13;41:18,24;91:25; 92:16;93:2,4;108:16; 130:10;133:10; 51:8,9; 152:10	<b>approximation (3)</b> 113:11,16,17 <b>area (12)</b> 8:9;34:18;35:9;36:12; 40:11;73:18,22,23; 109:17,21;128:19;139:9 <b>areas (3)</b> 19:3;73:13,14 <b>argue (1)</b> 63:12 <b>argument (2)</b> 63:13;77:9 <b>armor-piercing (1)</b> 89:24 <b>annex (1)</b> 99:16 <b>arraigned (1)</b> 44:22 <b>arraignment (2)</b> 45:4,7 <b>arraignments (1)</b> 44:25 <b>arrangement (1)</b> 44:18 <b>arrest (2)</b> 43:9;55:25 <b>arrested (3)</b> 6:21;7:8;56:1 <b>arrival (1)</b> 135:6 <b>arrive (1)</b> 140:8 <b>arrived (15)</b> 103:10;104:24;109:7; 10;111:10;114:6;116:7; 9;130:1;140:7,10; 141:13;143:8,23;161:25 <b>arriving (1)</b> 141:11 <b>aspect (1)</b> 85:8 <b>assemble (2)</b> 98:14;140:13 <b>assembled (7)</b> 98:7;103:7;116:10; 117:10;133:18;139:24; 143:16 <b>assembling (1)</b> 103:4 <b>assigned (6)</b> 33:13;122:15,17,19; 136:18;138:14 <b>assist (3)</b> 27:8;28:4;124:11 <b>assistance (1)</b> 92:4 <b>assisted (1)</b> 28:7 <b>assisting (1)</b> 30:18 <b>associated (3)</b> 16:12;30:11;84:20 <b>assume (5)</b>	34:8;41:14;127:18; 134:23;166:12 <b>assumed (1)</b> 58:5 <b>assumption (1)</b> 141:14 <b>attached (1)</b> 142:11 <b>attempt (2)</b> 33:1;49:11 <b>attendance (1)</b> 18:21 <b>attended (2)</b> 20:16,24 <b>attention (1)</b> 105:8 <b>attorney (3)</b> 17:6;44:17;57:14 <b>attorneys (3)</b> 5:14;166:25;167:5 <b>attorney's (1)</b> 99:2 <b>August (2)</b> 38:4;39:6 <b>available (2)</b> 45:6,17 <b>aware (14)</b> 17:13;32:19;37:4,10; 39:22;49:25;50:18; 53:12;60:3;78:1,5;84:6; 98:4;102:3 <b>away (7)</b> 111:5,12,129:10; 130:11;133:10;140:13; 162:15	109:11;110:4;111:13, 20;112:7,12 <b>barked (1)</b> 111:23 <b>barking (2)</b> 113:23;114:5 <b>barricade (1)</b> 31:7 <b>base (1)</b> 98:9 <b>based (15)</b> 33:1;37:10;42:1;44:7; 58:19;67:1,10,11,24; 69:4,21,22;71:14;90:12; 119:23 <b>basement (11)</b> 129:24;134:20,25; 135:3,5,6,9,12;136:2,11; 152:13 <b>basic (1)</b> 17:18 <b>Basically (2)</b> 42:11;57:17 <b>basis (1)</b> 157:21 <b>Bates (1)</b> 153:4 <b>bathroom (5)</b> 128:8,12;159:11,21; 162:16 <b>bathtub (5)</b> 125:19;126:2,20; 127:1;162:11 <b>battering (4)</b> 28:16,18,22,25 <b>Beaman (1)</b> 47:19 <b>bearing (1)</b> 157:18 <b>became (2)</b> 9:11;57:25 <b>become (2)</b> 30:11;58:3 <b>bed (4)</b> 125:8,12;126:11; 157:5 <b>bedding (1)</b> 126:8 <b>bedroom (18)</b> 108:21;109:20; 124:17,21,22;125:2,14, 17;128:8,14;129:5; 130:2;133:21;154:1,18; 157:5;159:9,13 <b>bedrooms (2)</b> 133:25;134:2 <b>begin (1)</b> 9:20 <b>beginning (3)</b> 97:25;98:1;159:22 <b>behind (1)</b> 139:25 <b>belief (1)</b>
---	--	---	---	---

98:9	25,25;89:2,13,17,24;	<b>calling (1)</b>	122:10,22;159:18	139:23;143:4;158:8
<b>belonged (1)</b>	90:4,5,10,21;93:12,24;	43:5	<b>Certainly (5)</b>	<b>Chretien's (2)</b>
53:13	95:8,23;99:13;100:12,	<b>calls (4)</b>	52:14;79:11;80:9;	89:23;90:5
<b>benefit (1)</b>	16,18;101:10,15,22;	29:14,24;102:2;121:9	123:19;127:25	<b>chuck (1)</b>
83:23	102:7,10,13;104:1;	<b>came (14)</b>	<b>certainty (2)</b>	149:6
<b>Beretta (2)</b>	111:23;116:15,17;141:5,	27:7;42:16;48:25;	122:11;139:3	<b>CI (17)</b>
154:7;155:5	15;143:21;144:11;	51:20;87:10;90:7;103:6;	<b>certificate (2)</b>	84:2;87:2,6,11,14;
<b>Besides (1)</b>	151:8;155:22; 58:9,10,	116:12;131:20;138:12,	18:21;38:2	90:9;91:6,7;99:11;
134:9	12,15;163:12,21,21,23;	14,17,19;139:1	<b>certification (3)</b>	100:16,17,19;116:15,18;
<b>Bessler (3)</b>	164:9,16;165:8	<b>camera (3)</b>	15:17;17:14,18	146:20;151:7;161:7
51:13;56:24;77:3	<b>Bret's (1)</b>	137:18,24;138:1	<b>certified (5)</b>	<b>circumstances (4)</b>
<b>best (2)</b>	89:9	<b>can (44)</b>	17:9,17,21,25;40:12	27:3;38:12;120:5;
120:25;159:25	<b>brief (2)</b>	5:18;6:4;14:10,25;	<b>CHAD (2)</b>	148:21
<b>better (2)</b>	59:2,3	16:21;20:11;26:6;27:5;	5:1;165:4	<b>city (6)</b>
148:4;153:1	<b>briefed (1)</b>	33:17;34:22;35:6,22;	<b>chambers (1)</b>	10:25;13:1,16;50:19;
<b>beyond (2)</b>	116:25	37:1;39:17;43:14;46:24;	101:5	58:6;166:15
8:25;20:5	<b>briefing (1)</b>	47:13,18,25;52:9;56:21;	<b>chance (2)</b>	<b>clarification (2)</b>
<b>big (3)</b>	117:4	58:4;63:11,20;67:9;	74:21;82:18	5:23;68:15
14:24;35:8;129:23	<b>briefly (5)</b>	79:11;82:12;83:11;	<b>chances (1)</b>	<b>clarify (4)</b>
<b>biggest (1)</b>	66:2;99:3,5;117:24;	85:19;86:8;94:21;	121:19	23:23;85:4;101:14;
68:3	144:8	106:11,13,24;118:15;	<b>change (2)</b>	131:19
<b>Billings (3)</b>	<b>bring (4)</b>	120:8;127:20;128:3;	53:24;54:4	<b>class (3)</b>
8:15,16;9:4	66:18;94:18;104:11;	130:19;139:6;146:1;	<b>Chapman (11)</b>	15:8,10;18:1
<b>bit (2)</b>	131:5	150:4;151:21;163:5	34:12;108:17;109:12;	<b>classroom (1)</b>
24:12;97:16	<b>bringing (1)</b>	<b>cancer (1)</b>	110:9;112:24;113:1,4;	18:14
<b>Blackmore (3)</b>	66:4	76:22	122:9,10;129:21;156:19	<b>cleaned (1)</b>
59:18,22;60:15	<b>broad (1)</b>	<b>eaption (1)</b>	<b>Chapman's (3)</b>	165:9
<b>blank (1)</b>	14:19	129:10	82:24,25;153:16	<b>clear (9)</b>
128:24	<b>broken (3)</b>	<b>car (4)</b>	<b>charge (7)</b>	34:18;36:7;39:18;
<b>block (1)</b>	109:18;159:7,9	96:19;97:9;137:13;	13:2;41:23;44:5,7;	79:13;89:22;104:20;
119:18	<b>brought (4)</b>	138:4	165:8,11,14	119:6;134:20;135:5
<b>Blue (1)</b>	28:10;44:7;67:14;	<b>care (1)</b>	<b>charged (6)</b>	<b>cleared (10)</b>
52:19	104:4	25:13	163:12,22,23;164:10,	80:21;121:25;128:9;
<b>board (1)</b>	<b>Brown (1)</b>	<b>careful (2)</b>	16;165:23	135:3;152:5,7,8,9;
118:21	85:11	6:2;150:11	<b>charges (3)</b>	159:13;160:11
<b>bones (1)</b>	<b>Bruce (1)</b>	<b>carried (1)</b>	24:16;50:20;55:11	<b>clearing (8)</b>
157:25	108:3	116:17	<b>charging (1)</b>	21:2;31:7;124:13;
<b>bookshelf (1)</b>	<b>building (1)</b>	<b>carry (1)</b>	165:19	125:14;129:4;130:2;
154:10	58:18	119:8	<b>check (6)</b>	134:24;135:6
<b>both (4)</b>	<b>bunch (1)</b>	<b>case (28)</b>	43:15;45:14;50:11;	<b>close (4)</b>
25:13;68:16;85:2;86:9	140:2	28:21,22;30:18;49:1,	74:16,25;101:18	25:4;130:21;158:20;
<b>bother (1)</b>	<b>burn (1)</b>	1;56:21;61:7;63:8;	<b>checked (1)</b>	161:4
43:15	126:17	79:12;83:10;84:25;85:1,	109:21	<b>clothes (1)</b>
<b>Bottom (6)</b>	<b>burned (1)</b>	6,9,10;87:23;94:6;	<b>chemical (1)</b>	137:4
82:7;105:9,18;136:3;	127:7	96:23;103:15;120:24;	16:1	<b>coat (1)</b>
150:7;154:5	<b>burning (3)</b>	156:6;157:19;161:9;	<b>Chevrolet (1)</b>	137:7
<b>box (13)</b>	126:20;127:2,9	165:19;166:8,14,19,23	52:18	<b>cocaine (4)</b>
36:23;80:23,25;81:3,	<b>Bury (1)</b>	<b>cases (5)</b>	<b>chief (6)</b>	156:6;157:1,3,7
19,20,21;82:3,19,25;	149:7	41:5,20;49:5;84:8,21	163:15;164:1,6,9,15;	<b>Cody (12)</b>
83:18,19;84:1	<b>business (1)</b>	<b>easing (1)</b>	165:22	8:1;30:1;47:2;48:18,
<b>breached (2)</b>	70:16	125:9	<b>child (23)</b>	20:49;20:160:24;161:3,
123:6,15	<b>C</b>	<b>Casually (1)</b>	38:15,22,23;39:6,10,	5,11,18,21
<b>break (8)</b>		137:3	11,23;60:5,7,9,13;87:8,	<b>collaborative (1)</b>
6:4;16:25;17:5;82:11;	<b>caliber (3)</b>	<b>cause (5)</b>	15;141:6,7;145:3,7,10,	22:9
95:14;109:20;128:2;	116:17;154:7;155:5	56:23;65:15;85:22;	11,14,19,19,23	<b>college (2)</b>
151:19	<b>call (16)</b>	86:1;91:1	<b>children (2)</b>	9:2,10
<b>breaks (2)</b>	5:5;25:11,17;26:2,6;	<b>caused (1)</b>	37:12;56:14	<b>color (1)</b>
16:24;81:24	27:6,7;29:4,11;40:24;	158:23	<b>Chretien (23)</b>	143:13
<b>Bret (63)</b>	47:13,19,20;48:8;49:7;	<b>center (1)</b>	34:12;103:8;107:18;	<b>Colt (1)</b>
49:6;51:2;53:13;	66:17	127:2	117:6,20;118:16;119:1;	155:7
55:10;56:8,13;62:18,25;	<b>called (4)</b>	<b>certain (10)</b>	130:23;131:4,16,19;	<b>coming (4)</b>
84:10;85:3,22;86:14;	28:4;37:5;91:3,95:23	34:18;37:7;75:6;87:8;	132:17,22;133:2,11,15;	55:22;91:4;131:21;
87:7,11,12,15,18;88:22,		93:7;100:9;102:12;	134:10,14,18;135:20;	138:24



<b>command (3)</b> 131:5;132:5;133:3 <b>comment (2)</b> 110:22;113:2 <b>comments (4)</b> 103:18,21,24,25 <b>commercial (3)</b> 42:2,8,14 <b>committed (1)</b> 120:9 <b>communicate (1)</b> 166:18 <b>communicated (2)</b> 92:5;166:13 <b>communicating (1)</b> 133:15 <b>comparing (1)</b> 44:12 <b>complete (7)</b> 6:1;8:19;9:23;11:16, 18;94:5,12 <b>completed (5)</b> 10:2,6;19:11;88:2,4 <b>completely (3)</b> 29:13;104:2;131:8 <b>completing (1)</b> 129:4 <b>completion (1)</b> 37:20 <b>compliant (1)</b> 147:14 <b>complicated (1)</b> 23:21 <b>Complies (1)</b> 11:14 <b>compound (1)</b> 112:3 <b>computer (2)</b> 85:10;87:7 <b>concede (1)</b> 86:10 <b>concepts (1)</b> 18:18 <b>concerning (6)</b> 53:16;62:17;68:9,10; 86:14;100:12 <b>concerns (3)</b> 63:14;65:12;77:12 <b>concluded (5)</b> 59:9;64:4;90:19; 91:14;167:15 <b>conclusion (1)</b> 90:10 <b>conclusions (1)</b> 60:18 <b>conduct (3)</b> 53:3;63:17;143:24 <b>conducted (3)</b> 23:15;33:10;152:1 <b>conducting (1)</b> 59:23 <b>confidential (73)</b> 40:11;41:4,16;42:1,	17,18,21,25;44:6,8,16; 45:12,14,25;46:11,14, 19;47:5,11,24;48:1,4; 49:25;50:21;51:7;52:4, 22;53:1,15;54:23;55:9, 21;57:3,10,16;58:1,11, 14,20;59:1,3, 0,13; 60:25;62:17,6, 25;64:3; 67:11;74:1,8;75:16; 77:13,18;78:6;86:7; 88:21;89:1;90:13;91:3, 14;95:7,22;98:5,11,23; 99:8;100:6;101:4,7,16; 142:3,23;149 18 <b>confirm (1)</b> 100:21 <b>confusion (1)</b> 162:23 <b>conjunction (1)</b> 84:16 <b>connect (1)</b> 163:21 <b>connection (8)</b> 21:22;34:14;61:7; 64:9;83:17;134:23; 163:20;166:22 <b>consensus (1)</b> 57:21 <b>consequence (1)</b> 43:13 <b>consider (1)</b> 73:22 <b>consideration (7)</b> 37:17;38:8,11 16,22; 39:1;93:15 <b>considerations (3)</b> 18:15;38:21;65:3 <b>considered (5)</b> 57:1,2,8;64:22;73:14 <b>consistent (6)</b> 32:10;36:15,19,20; 37:21;39:13 <b>constituted (2)</b> 7:9,10 <b>constitutional (3)</b> 33:11;119:11;120:8 <b>Construction (1)</b> 9:18 <b>consult (1)</b> 101:21 <b>consulted (1)</b> 103:13 <b>contact (7)</b> 42:17,21;45:1 55:5; 61:11;98:20;138:24 <b>contacted (5)</b> 42:18;66:17;93:8; 97:17;151:7 <b>contacting (5)</b> 61:20,20;65:25;66:7; 104:1 <b>contain (1)</b> 157:24	<b>contained (7)</b> 18:19;34:16;36:14; 87:3;90:25;93:21; 107:17 <b>containing (3)</b> 82:4,19,25 <b>contains (1)</b> 31:21 <b>content (2)</b> 86:5;97:20 <b>context (2)</b> 37:8;94:21 <b>continue (3)</b> 106:4,6;140:6 <b>continued (1)</b> 124:15 <b>control (5)</b> 34:4;120:14;122:1; 124:12;136:16 <b>controlled (2)</b> 69:5;71:9 <b>conversation (14)</b> 37:8;53:19;63:3; 97:21;102:14;104:13,15, 18;132:13,16;133:11; 141:10,25;163:13 <b>conversations (2)</b> 63:23;102:24 <b>convicted (1)</b> 50:1 <b>convictions (1)</b> 51:8 <b>cops (1)</b> 91:4 <b>correction (4)</b> 23:7;26:11;32:16;54:7 <b>correctly (1)</b> 16:2 <b>corroborate (1)</b> 84:2 <b>couch (8)</b> 114:20,22,23;115:25; 120:12;128:19;130:5; 131:20 <b>counsel (5)</b> 16:20;35:18;47:6; 77:5;127:13 <b>Countermeasures (3)</b> 11:25;12:10;19:2 <b>counts (1)</b> 25:13 <b>County (17)</b> 7:25;22:13;29:23,25; 30:2,2,7,12;44:17,22; 52:11;57:14,25;58:6; 85:23;86:2;99:2 <b>couple (1)</b> 55:7 <b>course (28)</b> 11:23,24;12:1,4,14; 13:6,6,16;14:10,12,13, 17,21;15:6,23,24;16:3,7, 11;17:18;19:12;24:16;	30:7;35:24;37:20;89:9; 98:12;113:13 <b>coursework (1)</b> 9:6 <b>court (6)</b> 7:23;44:20;45:6; 49:10,11;56:1 <b>cover (1)</b> 14:24 <b>covered (1)</b> 161:10 <b>covers (1)</b> 30:5 <b>crawl (1)</b> 149:8 <b>create (2)</b> 37:5;88:16 <b>creative (1)</b> 149:10 <b>credibility (2)</b> 57:19;77:13 <b>crime (5)</b> 6:21;7:2,8,12;51:1 <b>crimes (4)</b> 6:23,24;7:1;58:8 <b>criminal (6)</b> 48:25;49:3,5;84:23; 100:22;101:19 <b>crossed (2)</b> 54:14,16 <b>CTI (1)</b> 12:23 <b>curious (1)</b> 48:10 <b>currently (3)</b> 6:14;44:21;55:16 <b>curriculum (3)</b> 9:24;12:3,17 <b>custody (14)</b> 34:5;55:15,19;56:2,3, 5,12,13,21;77:17;78:14; 87:16;120:14;124:12 <b>cut (1)</b> 80:12 <b>cutoff (2)</b> 38:25;39:7	<b>daughter (2)</b> 75:25;76:22 <b>Dave (2)</b> 59:2;63:4 <b>Davis (12)</b> 51:12;52:3;57:15; 59:1,11;61:2;67:12; 91:10;102:11,12;165:8, 10 <b>Davis' (3)</b> 61:2,6;73:25 <b>day (7)</b> 19:24;45:16;91:13; 98:18,21;118:23;161:5 <b>DCI (2)</b> 30:3,15 <b>DEA (1)</b> 30:3 <b>deal (4)</b> 13:25;55:11;58:8; 65:13 <b>dealing (1)</b> 73:2 <b>debriefing (1)</b> 147:18 <b>decision (9)</b> 38:13;63:17;66:22; 67:5,7;68:5;98:13; 116:21;165:11 <b>deem (1)</b> 84:15 <b>deeper (1)</b> 90:18 <b>defendant (2)</b> 32:25;33:19 <b>defense (1)</b> 146:8 <b>definitely (2)</b> 31:16;38:23 <b>definition (1)</b> 73:15 <b>definitive (1)</b> 26:6 <b>deliver (1)</b> 97:3 <b>delivery (2)</b> 50:15,25 <b>Department (33)</b> 9:11,19,21,25;10:4,7, 14,20;17:9;21:18;22:14, 18;30:1,2,12,13;31:17, 23;34:3,25;47:2;48:5,19, 21;49:20;50:20;54:24; 65:24;99:9;108:15; 117:21;118:4;155:4 <b>departmental (1)</b> 31:17 <b>departments (2)</b> 30:9,10 <b>depend (1)</b> 38:23 <b>Depending (1)</b> 124:4
			<b>D</b>	
			<b>damage (4)</b> 158:22,23,24;159:3 <b>danger (4)</b> 73:11;104:12;125:22; 126:3 <b>dangers (1)</b> 62:25 <b>Danzer (1)</b> 158:9 <b>date (9)</b> 17:22;24:24,25;25:5; 30:25;31:1;45:5,6,7 <b>dated (1)</b> 13:22	

<b>Depends (2)</b> 148:15,20	34:14;35:1;36 1,2,4,17; 38:14;39:2;40:7;108:21; 123:17;125:4,10,21; 126:10	16:64;8,15;92:2;100:14; 116:11;141:18,21	114:2,3,5	5:2
<b>deploy (5)</b> 15:13;18:15;38:13; 40:7;119:2	<b>devices (22)</b> 15:2,14,17;16:1,7,8; 17:10,10;30:24;31:9,12; 18:32;20:33;24:34;1,4, 5;37:4,10,21; 8:9,17	<b>discussion (15)</b> 39:22;40:2,4;58:1; 61:5,19;62:25;64:2,7; 65:23;66:3;141:2; 144:10;145:18;163:11	<b>domestic (8)</b> 25:11,14,16,21;26:1,3, 5;28:21	<b>during (9)</b> 15:5;31:19;58:14; 98:12;101:3,6;113:19; 144:9;147:5
<b>deployed (13)</b> 15:10;16:9;31:9,12; 12,18;32:23;35:1;37:11; 108:20;109:22;123:18; 125:5	<b>diagram (2)</b> 118:21;129:2	<b>discussions (11)</b> 45:25;60:23;61:14,21; 63:19,24;67:12;72:5; 91:14;99:6;135:5	<b>done (18)</b> 9:8;22:2,15;24:8; 31:16;41:8,14;58:17; 68:16;75:2,4,5,6;81:15; 121:23;147:17;151:22; 155:1	<b>duties (1)</b> 119:4
<b>deploying (5)</b> 18:16,17;38:9,17; 119:5	<b>diagrams (1)</b> 118:19	<b>dishonesty (3)</b> 7:3,13;50:2	<b>door (49)</b> 25:22,24;26:21;27:17; 28:12,15;104:11;105:10, 23,25;108:17,18,19; 109:12,13,17,18;111:11; 112:14,18,23,24;113:2, 3,4,5,9,9,114:15,21,24; 115:1,8,14,19;118:18; 121:16,20;122:8,23; 123:6,14;129:17,18,24; 140:24;148:14;159:7,11	<b>duty (2)</b> 27:8;28:3
<b>deployment (7)</b> 15:25;23:13,14;24:3; 34:17;36:12;37:17	<b>diameter (1)</b> 34:19	<b>dispatch (1)</b> 160:1	<b>doors (1)</b> 109:17	<b>dynamic (26)</b> 13:11,25;18:25;19:15; 20:13;21:2,13,22;23:2, 15;24:8,18;26:8;29:16; 63:7,12,14,17,19;64:19, 22;67:16;104:21;105:5; 116:22;147:18
<b>deposed (1)</b> 32:22	<b>dictated (1)</b> 64:5	<b>dispatched (2)</b> 25:20;26:5	<b>douse (1)</b> 162:10	<b>E</b>
<b>deposition (9)</b> 5:8,11;6:12,19;7:4; 35:8;47:15,25;48:7	<b>Diesel (1)</b> 9:7	<b>dispatcher (2)</b> 118:1,7	<b>down (27)</b> 13:15,21,32;22;33:17, 19;54:23,66;18;81:24; 101:14;108:6;109:6; 131:1,17,24;135:9,12, 17,21,23,25;136:15; 139:14,25;140:4;149:7; 150:24;160:18	<b>earlier (8)</b> 13:12;25:9;37:24; 93:4;98:2;118:23; 143:21,25
<b>deputies (1)</b> 30:3	<b>difference (1)</b> 70:9	<b>dispatchers (1)</b> 118:5	<b>downstairs (6)</b> 116:11;118:22; 132:18,18;136:23; 157:12	<b>easiest (1)</b> 24:12
<b>deputy (2)</b> 25:9;57:14	<b>different (4)</b> 22:7,8;146:25 147:2	<b>dispatchers' (1)</b> 117:25	<b>draw (1)</b> 130:5	<b>east (1)</b> 109:20
<b>describe (4)</b> 23:5;52:9;89:17; 139:13	<b>differentiate (1)</b> 37:6	<b>disposal (1)</b> 149:7	<b>drawing (3)</b> 130:10;139:7,20	<b>easy (2)</b> 33:7;148:12
<b>described (6)</b> 80:12;90:6;100:17; 141:6,7;142:6	<b>diminishing (1)</b> 112:8	<b>dispose (1)</b> 148:12	<b>drawn (1)</b> 60:18	<b>Eckerdt (9)</b> 34:11;128:18,20; 130:2,7,11,13;134:10; 158:9
<b>describes (3)</b> 107:16,20,24	<b>dinner (1)</b> 16:25	<b>disposed (1)</b> 148:23	<b>dressed (1)</b> 137:2	<b>edge (1)</b> 73:19
<b>description (1)</b> 89:16	<b>diploma (1)</b> 8:23	<b>dispute (8)</b> 55:15,19;56:2,4,6,12; 77:18;78:14	<b>drinking (3)</b> 26:14;27:4;28:5	<b>education (1)</b> 8:19
<b>descriptions (1)</b> 90:8	<b>DIRECT (4)</b> 5:3,15;67:23;87:2	<b>distraction (9)</b> 16:1;31:9,18;32:20; 34:4,14;36:17;37:4;40:7	<b>drove (4)</b> 53:17;142:2,23; 143:20	<b>effect (5)</b> 23:15;37:5;132:20; 134:23;137:8
<b>designators (1)</b> 130:8	<b>directed (1)</b> 110:17	<b>distribution (1)</b> 50:22	<b>drug (7)</b> 23:9,11;24:18;40:17; 41:14;58:8;74:4	<b>effected (1)</b> 53:10
<b>desire (1)</b> 78:9	<b>directly (1)</b> 146:21	<b>District (3)</b> 52:11;85:23;86:2	<b>drugs (14)</b> 23:8;24:19;30:17; 73:10;75:9;76:10;80:10; 83:19,22,22;84:4,15; 85:6,9	<b>effecting (1)</b> 92:4
<b>detached (2)</b> 142:12,14	<b>dirt (2)</b> 165:7,9	<b>diversionary (10)</b> 15:2,5,14,17;17:10; 18:13;30:23,24;32:23; 108:21	<b>due (1)</b> 116:19	<b>effects (2)</b> 18:16;39:2
<b>detail (3)</b> 107:21;118:15;139:11	<b>disagree (1)</b> 73:7	<b>divorce (1)</b> 7:23	<b>duly (1)</b>	<b>effort (1)</b> 100:21
<b>details (1)</b> 27:6	<b>disbursed (1)</b> 136:2	<b>divorced (1)</b> 7:21		<b>efforts (1)</b> 22:10
<b>determination (1)</b> 62:2	<b>discern (1)</b> 15:7	<b>divulge (1)</b> 56:18		<b>either (8)</b> 27:2;84:21;101:8; 102:10,13;126:6; 132:17;151:6
<b>determine (2)</b> 60:15;78:7	<b>disclosure (1)</b> 47:23	<b>divulging (1)</b> 56:19		<b>elapsd (2)</b> 114:10;152:11
<b>detonated (2)</b> 15:5;31:14	<b>discoverable (1)</b> 35:7	<b>document (24)</b> 14:4;36:10,20;46:24; 47:14;48:24,25;52:9; 83:9,11;86:16;87:24; 88:12,20;94:25,25; 105:14;122:20;150:23; 153:3;155:1,19;165:2; 167:8		<b>element (1)</b> 112:8
<b>develop (1)</b> 41:5	<b>discovered (1)</b> 82:23	<b>dog (19)</b> 109:11;110:4;111:3,3, 4,5,10,11,12,13,20,22; 112:7,12;113:19,23;		<b>elicit (1)</b> 72:7
<b>developed (1)</b> 84:7	<b>discovery (8)</b> 7:4;35:7;48:25,49;3,5; 84:1;127:17;167:7			<b>eliminate (2)</b> 125:22;126:3
<b>deviated (1)</b> 88:18	<b>discuss (6)</b> 15:24;48:13;64 19; 103:17;104:6,8			<b>else (11)</b>
<b>device (30)</b> 15:5,11;17:22;18:5, 13,15,16,17;30:24; 31:23,24;32:3,8,15,23;	<b>discussed (12)</b> 18:19;38:8,11; 1:9,			

17:8;61:13;65:23; 66:19;93:16;116:3; 122:11;133:16;136:1; 145:24;159:8 <b>else's (2)</b> 30:17;102:3 <b>e-mail (11)</b> 163:2,6;165:4;166:6, 8,11,13,15,16,21;167:11 <b>embarrass (1)</b> 7:5 <b>emphasis (1)</b> 9:5 <b>employed (2)</b> 9:11,15 <b>employment (1)</b> 10:24 <b>encompasses (1)</b> 14:18 <b>encounter (1)</b> 147:5 <b>encountered (1)</b> 138:21 <b>end (5)</b> 12:22;20:5;91:6; 116:19;154:23 <b>ended (2)</b> 131:23;165:18 <b>enforcement (5)</b> 9:24;67:25;72:18; 73:2;119:19 <b>enough (3)</b> 46:5,9;165:14 <b>ensure (1)</b> 106:2 <b>enter (3)</b> 106:9;123:1;124:13 <b>entered (4)</b> 108:6,11;120:13; 152:11 <b>entering (2)</b> 120:11;152:12 <b>entire (7)</b> 10:25;21:1;58:14; 95:10;105:20;133:18; 140:8 <b>entries (4)</b> 22:18;23:2,5;24:8 <b>entry (52)</b> 10:23;13:11,25;18:25; 19:15;20:13,21,2,13,22; 23:15;24:19;25:13,22; 26:8;27:9,11;28:6; 29:16;63:7,12,14,17,19; 64:20,22;67:16;83:18; 104:21;105:5;106:1,1; 107:16,16;112:11; 116:22;122:15,17;123:1, 5,11;133:18;134:19; 140:10,11,13;141:19; 143:24;147:18;151:12; 152:2,4;156:17 <b>envelope (3)</b>	80:17;81:4,7 <b>equal (2)</b> 71:16;142:18 <b>equals (1)</b> 129:14 <b>equipment (1)</b> 34:9 <b>essentially (1)</b> 64:17 <b>essentials (1)</b> 136:25 <b>established (1)</b> 70:5 <b>estimate (3)</b> 55:3;111:14;148:2 <b>estimation (2)</b> 58:11;149:16 <b>evaluating (1)</b> 57:18 <b>even (6)</b> 27:24;35:6;48:3,13; 64:22;138:2 <b>evening (14)</b> 42:3;45:10;84 3,8; 92:1;93:1,3;97:7; 104:20;143:9,24;147:17, 22;158:7 <b>event (7)</b> 70:7;73:21;75 22; 76:6;82:23;98:3;160:21 <b>events (3)</b> 26:25;88:14;107:24 <b>everybody (4)</b> 15:10;130:8,11;9; 139:4 <b>everyone (4)</b> 96:7;106:3;111:22; 136:1 <b>evidence (10)</b> 35:7;39:15;47:15; 83:5,10;84:6,7 90:4; 145:6;146:10 <b>exact (11)</b> 9:16;12:17;16:3;55:2; 104:18;111:15 113:12, 13;132:19,20;160:5 <b>exactly (13)</b> 18:9;24:16;44:19; 53:19;70:4;110:13,15; 120:23;121:6;128:10; 134:3;141:3;149:23 <b>EXAMINATION (1)</b> 5:3 <b>examine (1)</b> 94:22 <b>excellent (2)</b> 52:24;161:20 <b>exception (3)</b> 80:8,10;107:1 <b>excessive (1)</b> 119:11 <b>exchange (1)</b> 166:7	<b>exciting (1)</b> 160:23 <b>excludes (1)</b> 47:23 <b>execute (5)</b> 30:14;62:20;65:4; 98:8;143:16 <b>executed (4)</b> 39:13;93:2;108:15; 161:24 <b>executing (2)</b> 21:22;92:11 <b>execution (10)</b> 28:8;39:20;40:9; 59:19;61:22;79:22;80:1, 3;86:22;96:11 <b>Exhibit (85)</b> 11:3,5,10,12;12:6,8, 10:13,8;14:1,3,15;21; 20:1,5;30:19,21;31:20, 21;32:18;33:22;34:17; 38:3;40:15;46:21,23; 47:25;52:6,8;68:12,17, 19,20;81:12,16,24;83:7, 10,13;85:14,18;86:11; 87:20,22,25;88:16; 89:20,23;93:22;94:2,5,7, 8,12,20;95:19;96:20; 105:7;107:18;108:1; 109:5;117:14,16; 122:12;123:4;128:21, 25;131:1;139:6;148:6; 150:3,8;151:25;152:15, 17,22;153:13;154:21; 156:5,24;160:7,9; 162:18,20,24;163:3; 167:9 <b>exhibits (3)</b> 85:16,18;86:6 <b>existed (1)</b> 101:15 <b>existence (1)</b> 156:6 <b>expanded (1)</b> 59:3 <b>experience (13)</b> 33:2;41:4;58:8;67:24; 69:5,21,22;70:6;71:14, 19,24,25;72:4 <b>expert (2)</b> 32:25;35:14 <b>expertise (1)</b> 68:24 <b>explain (9)</b> 10:22;15:22;18:8; 21:15;24:11,23;25:6; 34:22;127:3 <b>Express (2)</b> 9:12,15 <b>expressing (1)</b> 63:9 <b>extensively (1)</b> 68:8	<b>extent (3)</b> 33:9,10,40:6 <b>extra (1)</b> 72:6 <b>F</b> <b>fact (27)</b> 14:6;26:2;50:4,19; 55:10;66:4;68:24;70:24; 72:10,25;78:16,17;84:9; 88:25;89 14;90:20;91:2; 95:23;97 17;98:5;99:13; 116:16;122:9;144:17; 148:4;153:2;157:12 <b>factual (2)</b> 157:18,21 <b>fair (5)</b> 68:4;86:4;111:24; 123:3;149:16 <b>fairly (1)</b> 150:4 <b>familiarizing (1)</b> 18:14 <b>family (2)</b> 56:25;68:6 <b>far (11)</b> 17:8;42:14;83:2,5; 90:11,17;111:5,12; 117:9;130:11;133:10 <b>farmer (1)</b> 9:14 <b>fashion (1)</b> 167:10 <b>Feathers (5)</b> 163:9;164:6,16; 165:22;166:3 <b>February (16)</b> 15:12;19:14;21:25; 26:25;30:22;34:1,15; 36:6,16;37:4,9;42:3; 45:11;71:21,22;76:7 <b>feel (4)</b> 63:16;77:3;108:25; 165:19 <b>feelings (1)</b> 102:4 <b>feet (4)</b> 130:12;133:13; 149:14;151:10 <b>felony (11)</b> 6:23;7:2,10;23:9; 24:15;50:16;51:8;165:8, 15,20,23 <b>felt (4)</b> 28:6;63:7;74:20; 104:12 <b>few (3)</b> 112:25;126:25;151:22 <b>Fifth (5)</b> 7:25;13:15;52:11; 85:23;86:2 <b>fight (1)</b>	87:17 <b>figure (1)</b> 48:15 <b>file (2)</b> 10:11;45:17 <b>filed (5)</b> 8:7;49:1,2;87:23,24 <b>Financial (2)</b> 54:13,13 <b>find (10)</b> 69:11;80:23;81:19,20; 83:11;94:11;150:4,17; 156:17;157:4 <b>finding (2)</b> 69:16;75:19 <b>findings (1)</b> 92:5 <b>fine (10)</b> 50:9;51:4;55:4;60:8; 106:6,18;128:3;129:7; 130:9;140:7 <b>finish (1)</b> 35:22 <b>finished (2)</b> 9:10;10:3 <b>fire (8)</b> 125:1,23,24;126:3,4; 127:11,12;158:24 <b>firearm (3)</b> 72:16,17,25 <b>firearms (8)</b> 69:6;70:1,15,15;71:2, 9,17;72:14 <b>first (31)</b> 5:2;11:9;27:5;31:20, 22;42:12;45:6;85:19; 91:4;94:4;98:23;103:1; 111:7,10,11;115:1,4,23; 117:17;121:24;125:18; 131:5;132:23;134:22; 138:23;150:7,12; 159:13;161:19,20;162:3 <b>Fish (1)</b> 30:1 <b>fit (1)</b> 116:13 <b>Five (5)</b> 17:4;25:1;113:17; 124:9;152:14 <b>flashbang (7)</b> 123:17;125:4,9,21; 126:10,17;127:7 <b>flee (1)</b> 147:12 <b>folks (1)</b> 148:21 <b>followed (1)</b> 135:23 <b>following (1)</b> 37:20 <b>follows (1)</b> 5:2 <b>follow-up (2)</b>
---	--	---	---	---

53:3;119:4 <b>force (5)</b> 18:5;106:1;119:11,22; 120:4 <b>forced (4)</b> 25:12;26:15,21; 109:14 <b>forces (1)</b> 68:5 <b>Ford (1)</b> 52:19 <b>forgetting (1)</b> 25:8 <b>Forgive (2)</b> 15:7;25:8 <b>form (87)</b> 17:11;23;23:17;29:5; 18:32;1;37:13;38:18; 39:14;41:10;42:5;43:16; 44:1;10;46:1;51:14; 54:1;58:23;62:6,21; 64:11;66:9,20;67:3,17; 70:18;71:4;72:20;73:4; 77:23;78:10,19;79:20; 81:10;84:12;86:17;89:5; 90:14;96:2,8;100:1,24; 101:11,24;103:20; 105:13;106:21,25; 107:11;110:19;112:1; 113:21;115:11,16; 119:17,25;120:15;121:2; 8;122:2;123:8,24; 126:12;127:4;131:7; 132:7;133:5;135:1,13; 136:9;137:20;141:8; 144:14;145:5;146:12, 21;148:18,25;157:15; 158:2;164:3,11,18,25; 165:16,25;166:1 <b>formal (1)</b> 152:5 <b>format (1)</b> 5:10 <b>forth (1)</b> 27:10 <b>forward (3)</b> 56:20;84:21;86:4 <b>forwarded (1)</b> 74:9 <b>found (12)</b> 11:17,19;80:11,24; 81:24;82:9;108:7; 150:18;151:1;152:18; 153:18;154:5 <b>Four (1)</b> 150:24 <b>frame (3)</b> 27:22;37:19;55:2 <b>frankly (2)</b> 48:23;56:11 <b>free (1)</b> 167:14 <b>freeze (1)</b>	11:1 <b>Fremont (2)</b> 30:2,12 <b>fresh (1)</b> 93:11 <b>freshest (1)</b> 29:1 <b>front (24)</b> 94:6;105:23;108:17, 19;109:11,12;110:4; 111:4,11;112:18,22; 114:21,23;129:17,18,19, 20,22;130:17,137:23; 138:23;143:15,25;159:7 <b>function (1)</b> 33:14 <b>Funke (1)</b> 23:3 <b>further (5)</b> 32:22;39:19;53:4; 101:14;139:18  <b>G</b>  <b>gain (1)</b> 25:21 <b>Game (1)</b> 30:1 <b>garage (6)</b> 142:11,12,14, 6,17,21 <b>garages (1)</b> 142:18 <b>garbage (1)</b> 149:7 <b>gasoline (1)</b> 162:12 <b>gave (5)</b> 30:25;50:12;7:13; 84:2;99:20 <b>general (2)</b> 14:17;35:2 <b>generally (6)</b> 12:24;13:2;14:11; 23:5;68:10;121:23 <b>generated (1)</b> 156:1 <b>gestures (1)</b> 137:23 <b>given (8)</b> 5:8;45:5;58:21,60;25; 68:20;90:9;150:14; 155:21 <b>GK (1)</b> 9:18 <b>gloves (3)</b> 74:10;75:17;76:22 <b>God (1)</b> 82:5 <b>goes (1)</b> 47:16 <b>good (7)</b> 20:8;57:4;65:16; 82:14;114:8;130:9;	150:6 <b>goody (1)</b> 158:21 <b>GOSMAN (187)</b> 5:4;7:4,7;11:4;12:7; 14:2;16:23;17:15;18:2; 19:8,18,20;20:2,3;21:8, 11;23:19;24:1;29:12,21; 30:20;32:5;33:7,20; 34:24;35:4,12,17,21,24; 36:3,8;37:18;38:1,24; 40:1;41:13;43:21;44:4, 14;46:7,22;47:8,13,18; 48:2,12,20,23;49:4,18, 24;51:18,25;52:2,7; 54:5;59:5;62:11;63:5; 64:18;66:13,24;67:8,22; 68:18;70:23;71:12;72:9, 12,24;73:8;75:13,14; 76:25;77:2,7,11;78:3,15, 24;79:4,11,16,24;81:13; 82:8,17;83:8,14,16; 84:18;85:15;86:20;87:4, 21;88:10;89:11,21; 90:16;94:11,16;95:13, 17;96:5,12;100:5;101:2, 17;102:5;103:22,25; 104:5;105:17;106:11,16, 23;107:3,14;110:21; 111:2;112:3,5;114:1; 115:13,21;116:20; 117:15;119:21;120:6, 19;121:5,14;122:6; 123:13;124:3;126:15; 127:8,15,18,20,24; 128:3,6,22;131:9,12; 132:11;133:9;134:1; 135:8,18;136:12; 137:22;139:21;141:17; 144:16;145:8,9;146:23; 148:22;149:4;150:20; 151:5,21,23;153:5,6; 155:14,16;157:20; 158:4;160:8,13,19; 161:1;162:23;163:1; 164:7,14,21;165:3,5,21; 166:4;167:1,13 <b>governmental (1)</b> 119:23 <b>grab (1)</b> 125:18 <b>graduate (1)</b> 8:23 <b>graduated (1)</b> 9:9 <b>granted (3)</b> 61:23;93:5;98:8 <b>great (1)</b> 58:8 <b>Green (1)</b> 13:14 <b>ground (1)</b> 130:17	<b>group (2)</b> 85:19;140:8 <b>grow (26)</b> 8:9,12;41:8;42:12,14, 24;62:3,5;68:9,10;69:1, 5,25;70:7,10,11,14,25; 71:8,15;72:1;78:22; 97:22;98:6;99:21; 157:23 <b>growing (1)</b> 62:13 <b>grown-up (1)</b> 145:17 <b>grows (2)</b> 58:9;71:24 <b>guess (14)</b> 11:21;24:17;33:3; 64:25;74:7;75:7;88:5,9; 92:7;120:25;135:5; 141:14;146:1;163:16 <b>guessing (1)</b> 93:7 <b>gun (4)</b> 82:6;152:23;153:15; 154:12 <b>gunman (3)</b> 14:22,23;31:7 <b>guns (8)</b> 23:7,8;73:10;100:7, 20;116:16;144:18; 153:18  <b>H</b>  <b>hall (1)</b> 129:3 <b>hallway (8)</b> 128:15,17;134:4,5; 152:23;153:9,15,23 <b>hand (2)</b> 107:20;157:9 <b>handbook (3)</b> 12:12,19,20 <b>handcuff (1)</b> 136:21 <b>handgun (5)</b> 153:22;154:4;155:8, 10,18 <b>handguns (6)</b> 153:25;154:14,19; 155:3,13,21 <b>handle (1)</b> 66:5 <b>handled (2)</b> 16:8,8 <b>hands (1)</b> 42:3 <b>handwriting (2)</b> 117:17,20 <b>hang (1)</b> 161:3 <b>happen (2)</b> 30:7;42:19	<b>happened (18)</b> 15:23;42:20;67:2; 80:4;108:23,24;109:16; 110:2;112:22;113:5,7; 115:7,10;116:8;117:5; 134:15;135:19;158:1 <b>happens (1)</b> 155:25 <b>hard (3)</b> 33:3;83:21;111:9 <b>hardly (1)</b> 73:21 <b>hate (2)</b> 133:1;139:8 <b>head (2)</b> 14:25;66:23 <b>heading (1)</b> 12:18 <b>hear (18)</b> 60:8;62:16;72:8; 90:23;106:14,14,15; 110:4,12,15;113:2; 119:13;123:17;131:4,13, 14;132:5,19 <b>heard (10)</b> 42:1;58:19;60:4,6; 67:11;110:13;111:13, 20;112:7;113:23 <b>help (7)</b> 30:14;39:21;56:5; 66:8;92:10;139:17; 155:2 <b>helped (1)</b> 24:17 <b>helps (1)</b> 148:5 <b>herself (1)</b> 146:8 <b>hide (1)</b> 149:9 <b>high (4)</b> 8:16,19,25;145:15 <b>high-crime (2)</b> 73:14,22 <b>high-risk (1)</b> 20:14 <b>himself (2)</b> 43:1;87:11 <b>hindering (1)</b> 56:20 <b>hindsight (2)</b> 51:3,5 <b>history (6)</b> 9:8;51:12;100:22; 101:10,23;102:8 <b>hole (1)</b> 159:11 <b>home (21)</b> 25:16,19;26:3,16; 27:9,12,15;38:22;39:23; 59:15;60:13;63:1,73:18; 77:19;120:12;141:12; 147:21;152:2;158:22;
--	--	--	--	---

159:3,4 <b>honestly (1)</b> 35:6 <b>honorable (1)</b> 108:3 <b>hostage (1)</b> 31:7 <b>hour (3)</b> 93:6;160:10;161:23 <b>hours (9)</b> 13:22,23;40:17;55:7; 108:16;126:25;161:22; 162:6,14 <b>house (60)</b> 25:22;59:14,22;72:17; 80:20;84:9;100:8,20; 109:10;110:18,23; 111:10;116:16;118:20, 21,23;119:6;123:1,5,12; 124:13,15;129:2,10; 133:16,22,24;136:24; 137:1;138:18,20,22,23; 139:8;140:14,16,20,24; 141:1,4,16,19,22;142:2, 11;143:5,8,11,15,18,23, 25;144:18,21,22,25; 147:6;152:11,12,18 <b>huh (3)</b> 93:14;136:13;160:16 <b>hurry (1)</b> 69:9 <b>hurrying (1)</b> 112:20 <b>husband (1)</b> 146:9	47:11,24;48:4 <b>ill (1)</b> 43:13 <b>illnesses (1)</b> 6:18 <b>images (1)</b> 87:8 <b>imagination (1)</b> 76:20 <b>imagine (1)</b> 56:15 <b>Immediate (4)</b> 12:11,11;13:24;36:12 <b>immediately (5)</b> 99:9;105:25;107:2,7; 109:21 <b>impact (2)</b> 15:25;56:16 <b>impair (1)</b> 6:15 <b>impending (1)</b> 93:25 <b>implicated (1)</b> 146:21 <b>important (4)</b> 95:25;96:4,6,10 <b>impossible (1)</b> 22:22 <b>impression (3)</b> 61:25;74:3;165:24 <b>impressions (1)</b> 158:6 <b>incident (2)</b> 35:20;36:2 <b>inclined (1)</b> 70:15 <b>include (3)</b> 34:14,15;52:16 <b>included (1)</b> 59:1 <b>includes (1)</b> 52:18 <b>inconsistent (1)</b> 110:2 <b>Incorporated (1)</b> 12:1 <b>increase (4)</b> 10:19;11:1;73:1,9 <b>increases (1)</b> 73:11 <b>incredible (1)</b> 75:19 <b>indicate (6)</b> 63:6;69:4;79:5 129:8; 160:2,14 <b>indicated (4)</b> 90:20;98:22;129:14; 152:16 <b>indicates (3)</b> 52:19;89:23;158:6 <b>indication (1)</b> 72:17 <b>individual (1)</b>	46:18 <b>individuals (2)</b> 57:18;139:14 <b>informant (71)</b> 42:2,17,18,21;43:1; 44:6,8,16;45:12,15,25; 46:12,15,19;47:5,11,24; 48:1,4;50:1,21;51:7,19; 52:4,22;53:1,16;54:23; 55:9,21;57:3,11,16;58:2, 11,15,20;59:1,3,10,13; 60:25;62:17;63:25;64:3; 67:11;74:1,9;75:16; 77:13,18;78:6;86:8; 88:22;89:2,90:13;91:3, 15;95:7,23;98:6,12,23; 99:9;100:7;101:4,7,16; 142:3,24;149:18 <b>informants (3)</b> 40:11;41:4,16 <b>information (70)</b> 33:5,34;16:41;5; 42:23;43:11;44:8;48:16, 17;50:12;51:19;52:3,21, 23,25;53:16;56:17,19, 23,25;57:5,10,22;58:21; 60:11,24;62:16;67:6,10; 68:8;69:19,19,21,21; 77:14;79:6;86:7,12,13; 87:3,6,10;89:2,9;90:7, 12;92:7,9;93:11,21,23, 24;95:7,22,25;98:16; 99:20,24;100:10,12,15; 102:25;103:6;111:25; 116:14;118:15;143:3; 149:18,22;151:11;166:7 <b>informed (4)</b> 74:9;88:21;93:25; 99:10 <b>in-house (1)</b> 19:24 <b>initial (4)</b> 27:7;58:25;122:24,25 <b>initially (4)</b> 54:25;58:5;59:4; 109:17 <b>injured (1)</b> 26:4 <b>ink (1)</b> 162:25 <b>in-service (4)</b> 20:9,13;30:23;40:19 <b>inside (8)</b> 74:10;80:11;109:22; 110:23;114:15;115:14, 19;138:22 <b>instance (2)</b> 28:18;102:7 <b>Institute (2)</b> 12:11;19:2 <b>instruction (1)</b> 18:1 <b>instructor (2)</b>	17:18,21 <b>intelligence (1)</b> 39:10 <b>intend (1)</b> 48:13 <b>interdiction (1)</b> 14:23 <b>interested (2)</b> 139:9;166:12 <b>interests (2)</b> 70:16;119:24 <b>interfere (1)</b> 6:18 <b>interference (1)</b> 78:14 <b>interior (1)</b> 129:10 <b>interpret (1)</b> 164:5 <b>interview (8)</b> 59:3,9;61:1;64:3;91:6, 11;158:15,17 <b>interviewed (2)</b> 45:16;57:16 <b>intimidate (5)</b> 69:7;70:2;71:3,10,18 <b>into (28)</b> 25:11;26:6,15;27:9, 11;32:25;35:14;47:15; 67:14;83:4;104:21; 105:11;107:16;109:8; 116:13;121:25;123:5, 11;124:15;127:2;128:8, 16;134:17;136:2; 139:24;149:19;159:12, 20 <b>introduce (1)</b> 47:25 <b>inventory (6)</b> 81:15;82:24,25; 152:17;153:16;156:19 <b>investigated (1)</b> 51:1 <b>investigating (1)</b> 157:19 <b>investigation (2)</b> 40:17;157:22 <b>investigations (1)</b> 41:15 <b>Investigator (1)</b> 85:11 <b>invited (1)</b> 30:14 <b>involve (4)</b> 10:10;22:12;29:15; 56:13 <b>involved (37)</b> 18:11;21:15;23:13; 24:6;25:7,27;6;28:25; 29:22,24;30:23;41:20, 21;49:12;50:1,20;55:16, 19,21;58:1,3;63:18; 64:16;67:21;68:2;74:4;	80:20;85:12;96:7,11; 99:22;106:3;122:14; 134:24;144:6;154:17; 158:14,17 <b>involvement (1)</b> 116:19 <b>involves (1)</b> 17:18 <b>involving (7)</b> 7:13;22:10;26:8; 29:14;49:6;62:1;135:17 <b>issue (2)</b> 89:22;132:5 <b>issued (7)</b> 38:3;44:23;92:20; 96:14,22;133:3;161:16 <b>issues (2)</b> 14:24;100:16 <b>Item (1)</b> 155:4 <b>items (5)</b> 52:15,16;81:24; 152:18;156:2
<b>I</b>				
<b>idea (11)</b> 12:16;14:17;24:25; 27:21;65:24;66:14; 99:18;102:18;131:16; 157:10;165:13 <b>ideas (1)</b> 149:3 <b>identical (1)</b> 86:8 <b>identified (24)</b> 11:3;12:6;14:1;20:1; 30:19;40:6;43:1;46:21; 52:6;68:17;81:12;83:7; 85:14;87:20;89:13,20; 117:14;128:21;145:3; 153:15;158:12;160:7; 162:20;167:9 <b>identifies (1)</b> 121:25 <b>identify (12)</b> 20:8;40:16;46:24; 51:18;52:12;53:4;59:15; 85:18,20;129:16; 130:19;145:19 <b>identity (3)</b>				
<b>J</b>				
				<b>jail (2)</b> 43:10;44:22 <b>January (1)</b> 150:12 <b>Join (63)</b> 17:12,24;29:7,20; 32:2;37:15;38:19;39:16; 41:11;42:6;43:18;44:2, 11;46:3;54:3;58:24; 62:8,23;64:13;66:21; 67:4;70:20;71:6;72:22; 73:6;77:25;78:12,20; 79:21;84:13;86:19,25; 89:7;96:3,9;100:3,25; 101:13;102:1;105:15; 107:12;110:20,25; 115:18;120:2,17;122:4; 123:10;127:5;132:9; 133:8;135:2,15;137:21; 141:9;146:14;148:19; 149:1;157:17;158:3; 164:4,12,20 <b>joined (1)</b> 63:16 <b>Jonathan (11)</b> 51:12;57:14;59:1; 61:2,6;67:12;73:25; 91:10;102:11,12 <b>Josh (1)</b> 51:12 <b>judge (7)</b> 54:7,14;61:23;91:20, 23;92:21;161:12 <b>judge's (1)</b> 101:5 <b>Judicial (4)</b> 7:25;52:11;85:23;86:2

Tricia Wachsmuth v.  
City of Powell, et al.Chad Miner  
October 6, 2010

<b>jump (3)</b> 37:19;59:17;81:14	<b>laid (1)</b> 9:13	<b>lie (1)</b> 78:17	16;150:16;152:24; 155:2;162:18	<b>marijuana (33)</b> 41:8;42:12,24;58:9; 62:5,13;68:9,10,25; 69:25;70:6,10,11,14,17; 71:1,15,24;72:1;73:1; 78:22;98:6;99:21;146:9; 147:21,23,24;148:13; 149:19;151:9,16; 157:23;165:6
<b>June (1)</b> 20:14	<b>landed (3)</b> 125:22;126:10;127:7	<b>lieu (1)</b> 44:21	<b>looked (8)</b> 12:19;50:5;87:18; 89:1,14;100:19;117:20; 163:7	<b>marked (5)</b> 11:11;69:12;75:21; 130:1;131:1
<b>K</b>	<b>language (3)</b> 36:11;105:10 109:1	<b>Lieutenant (13)</b> 57:15;58:10;59:8; 61:1,6,10,24;62:16; 63:23;67:13;68:8; 103:22;104:16	<b>looking (12)</b> 13:14;53:21;84:19; 87:15,25;88:22;90:17; 111:23;113:11;114:13; 128:1;165:2	<b>marks (1)</b> 129:12
<b>keep (3)</b> 12:20;63:21;139:20	<b>Lara (2)</b> 85:11;90:21	<b>light (2)</b> 124:18,24	<b>looks (9)</b> 17:17;19:10;21:1; 32:3;47:2;148:8;157:6; 161:25;165:22	<b>married (1)</b> 7:17
<b>Kent (31)</b> 25:9;34:11;63:24; 64:1;66:1;92:5,13; 97:17;98:17;99:10,17; 20:100:13;102:15,25; 103:17;104:6,9,14; 108:20;109:19;138:21; 143:4;163:6,11,14,25; 164:6,8,15;165:9	<b>last (10)</b> 19:14;28:23;36:7; 39:6;51:11;69:13;94:23; 109:6;149:24,25	<b>likelihood (1)</b> 71:16	<b>losing (1)</b> 119:13	<b>Marrisa (1)</b> 118:9
<b>Kent's (1)</b> 165:3	<b>late (2)</b> 91:16;92:17	<b>limiting (1)</b> 19:16	<b>lost (1)</b> 79:14	<b>master (1)</b> 124:17
<b>kept (1)</b> 97:5	<b>later (6)</b> 37:24;38:2;43:24; 127:20;143:9,23	<b>line (7)</b> 13:15;33:16;34:21; 40:17;101:15;115:3; 121:18	<b>lot (5)</b> 35:5;39:18;70:6; 71:23;149:9	<b>materials (4)</b> 14:7;16:11;17:3;18:19
<b>key (1)</b> 39:2	<b>latex (3)</b> 74:10;75:17;76:22	<b>lines (1)</b> 13:21	<b>lots (8)</b> 16:8,9;75:9,10,25; 76:10;97:13;160:22	<b>matter (6)</b> 72:10;83:24;84:23; 90:20;148:4;153:1
<b>kick (1)</b> 165:7	<b>learn (1)</b> 91:5	<b>list (3)</b> 13:9;83:15;122:16	<b>Lt (1)</b> 102:9	<b>matters (3)</b> 10:9;14:11;73:21
<b>kicked (2)</b> 77:18;78:16	<b>learned (2)</b> 16:6;100:18	<b>listed (8)</b> 13:16;52:15,16;82:24; 123:4;154:1,4;155:3	<b>lying (5)</b> 78:21,25;79:2;153:9, 15	<b>May (22)</b> 5:5;11:21;13:12;16:3, 24;28:25;33:11;45:21; 51:20;58:16;62:18;66:1; 70:15;79:11;83:22; 92:10;121:16;156:25; 157:7;160:18,22;167:3
<b>kid (1)</b> 61:20	<b>least (5)</b> 47:15;70:6;82:1; 90:11;111:25	<b>Little (5)</b> 9:12,15;24:12;36:23; 83:17	<b>M</b>	<b>maybe (6)</b> 11:21;39:18,20;82:11; 100:16;125:15
<b>kind (5)</b> 10:10;11:2;21:2; 23:20;153:19	<b>leave (3)</b> 29:13;58:18;74:1	<b>live (2)</b> 15:5;31:18	<b>Magistrate (5)</b> 47:14,19,20;48:9;49:8	<b>McCaslin (7)</b> 32:13;33:13;40:6; 83:12;108:20;109:21; 156:15
<b>kinds (2)</b> 31:6;65:3	<b>leaving (1)</b> 141:21	<b>living (13)</b> 81:22,23,25;109:11; 114:19;128:19;129:16; 133:19;134:7,9,17; 139:10;154:5	<b>magnify (1)</b> 83:23	<b>mean (13)</b> 33:5,15;34:22;38:10; 48:1,10;49:14;53:8; 69:9;130:20;151:14,15; 162:21
<b>Kirk (1)</b> 34:12	<b>led (1)</b> 139:14	<b>loaded (3)</b> 72:16;73:10;116:17	<b>mail (1)</b> 79:19	<b>means (1)</b> 113:15
<b>kitchen (9)</b> 82:3;130:22;133:19; 134:8,11,12,17;139:9; 140:3	<b>ledger (1)</b> 54:13	<b>located (4)</b> 73:18;80:11;114:16; 133:25	<b>major (2)</b> 15:24;43:14	<b>mechanics (1)</b> 9:7
<b>knew (13)</b> 42:25;43:19;45:18; 50:7,23;51:12;67:1,25; 93:11,12;121:12; 159:16;167:6	<b>ledgers (1)</b> 54:13	<b>location (7)</b> 58:6;129:3;130:6,6, 25;133:3;158:11	<b>makes (1)</b> 38:25	<b>medical (1)</b> 6:17
<b>knock (5)</b> 28:12;105:10,23; 113:5;148:14	<b>left (10)</b> 54:8;60:22;63:25; 73:25;128:8,15;136:7; 137:1;141:14; 52:2	<b>log (6)</b> 156:10,13,13,14,16; 160:1	<b>making (4)</b> 49:10;98:13;137:23; 143:22	<b>medication (4)</b> 6:14;76:6,21;79:19
<b>knocked (7)</b> 27:15;108:17;109:12; 112:24;113:1,4;115:8	<b>legend (1)</b> 32:6	<b>logged (2)</b> 83:4;156:11	<b>Man (1)</b> 160:16	<b>meet (2)</b> 97:12;158:9
<b>knocking (1)</b> 113:3	<b>Leigh (1)</b> 7:19	<b>long (17)</b> 15:23;17:2;25:23,25; 27:19;55:1;58:10;84:17; 113:10;114:5;117:2; 125:14;148:15;152:10; 159:23;160:14,16	<b>manifested (1)</b> 89:4	<b>meeting (1)</b> 58:25
<b>knowledge (10)</b> 11:1;39:13;58:7; 69:22;84:14;86:21,22; 87:2;101:9,15	<b>less (2)</b> 125:15;152:14	<b>longer (2)</b> 23:4;151:20	<b>manufacture (2)</b> 50:15,24	<b>member (1)</b> 123:4
<b>known (1)</b> 97:24	<b>Lets (2)</b> 28:21;162:18	<b>look (23)</b> 12:8;14:6;20:4;30:21; 32:17;33:21;36:9;46:23; 47:22;48:9;49:8;53:7; 68:23;81:14;95:3; 107:19;117:16;122:13,	<b>manufacturing (1)</b> 50:21	<b>members (2)</b>
<b>L</b>	<b>letter (14)</b> 80:13,15,17;81:3,4,7; 82:4,10,19;83:1,1,4,11, 19	<b>looked (2)</b> 15:23;17:2;25:23,25; 27:19;55:1;58:10;84:17; 113:10;114:5;117:2; 125:14;148:15;152:10; 159:23;160:14,16	<b>many (13)</b> 13:21;16:6;18:12; 33:25;41:18,23;45:22; 72:13;75:16;102:17; 140:25;141:4;153:18	
	<b>level (2)</b> 10:23;56:3	<b>long (17)</b> 15:23;17:2;25:23,25; 27:19;55:1;58:10;84:17; 113:10;114:5;117:2; 125:14;148:15;152:10; 159:23;160:14,16	<b>March (2)</b> 32:20;33:25	
	<b>LGLP (1)</b> 21:7	<b>longer (2)</b> 23:4;151:20		
	<b>liable (1)</b> 120:8	<b>look (23)</b> 12:8;14:6;20:4;30:21; 32:17;33:21;36:9;46:23; 47:22;48:9;49:8;53:7; 68:23;81:14;95:3; 107:19;117:16;122:13,		

Tricia Wachsmuth v.  
City of Powell, et al.

Chad Miner  
October 6, 2010

22:15,17 <b>memories (2)</b> 15:8;37:6 <b>mental (3)</b> 100:16;143:19,22 <b>mentally (2)</b> 90:4,6 <b>mention (2)</b> 53:18;90:3 <b>mentioned (6)</b> 12:15;29:14;57:24; 60:4;64:8;152:20 <b>merely (1)</b> 30:18 <b>met (2)</b> 18:12;99:1 <b>meth (1)</b> 157:8 <b>methamphetamine (3)</b> 50:15,22,25 <b>Michael (1)</b> 23:3 <b>Midafternoon (1)</b> 143:2 <b>might (6)</b> 6:18;56:24;85:4; 129:19;141:22;142:15 <b>mind (4)</b> 24:12,14,18;109:24 <b>mine (2)</b> 107:24;109:2 <b>MINER (7)</b> 5:1,5,6;7:19;14:5; 109:14;129:15 <b>minute (16)</b> 12:8;15:22;27:23; 36:24;72:3;83:25; 114:11;125:15;135:24; 144:23;148:16,17,24; 150:16;155:19;162:19 <b>minutes (6)</b> 17:4;58:12;117:3; 151:22;152:14;162:6 <b>Miranda (1)</b> 7:19 <b>misdemeanor (19)</b> 6:24,25;23:11,16; 24:4,9,15,22;26:9,13; 43:13,25;62:4,14; 163:12,22,24;164:10,17 <b>missing (1)</b> 143:20 <b>misspoke (1)</b> 19:10 <b>Misstates (8)</b> 39:15;64:12;79:10; 104:2;120:1;131:8; 133:6;145:6 <b>model (1)</b> 143:13 <b>modify (1)</b> 109:1 <b>mom (1)</b>	80:17 <b>moment (13)</b> 11:12;13:9;20:5; 59:18;68:23,69;8:81;14; 105:8;111:6;117:16; 122:13;131:15;133:14 <b>moments (1)</b> 112:25 <b>Montana (1)</b> 8:13 <b>months (1)</b> 9:14 <b>more (18)</b> 25:1,3;27:23;39:1; 40:24;45:21,22;51:1; 70:15;71:13;102:14,19; 104:7;121:24 141:15; 144:21;145:12;157:25 <b>morning (2)</b> 6:9,10 <b>morphine (1)</b> 74:10 <b>most (4)</b> 30:5;39:7;63:23; 104:25 <b>mostly (1)</b> 74:10 <b>mother (13)</b> 74:9,25;75:18,24; 76:14;77:14,15;79:18; 80:13,14,16,13;81:5 <b>motivated (3)</b> 78:8,9,17 <b>motivation (1)</b> 57:6 <b>motivations (1)</b> 56:7 <b>motive (2)</b> 43:5,6 <b>motives (2)</b> 56:24;57:3 <b>mouth (1)</b> 92:12 <b>move (2)</b> 139:24;153:11 <b>Movement (1)</b> 14:23 <b>much (9)</b> 64:2,93:4;114 9; 118:14;139:11;151:20; 152:11;157:25;167:13 <b>multiple (1)</b> 51:8 <b>multitude (1)</b> 58:17 <b>munitions (2)</b> 15:25;16:1 <b>must (1)</b> 94:25 <b>myself (7)</b> 13:12;25:8;44 17; 57:14;108:4,12,14	<b>N</b> <b>name (1)</b> 118:2 <b>namely (1)</b> 58:8 <b>names (2)</b> 117:24,25 <b>narcotics (1)</b> 75:25 <b>narrative (2)</b> 88:15;108:2 <b>nature (5)</b> 15:22;33:4;99:10,12; 116:18 <b>NCIC (1)</b> 74:16 <b>near (1)</b> 130:3 <b>nearly (1)</b> 66:4 <b>necessarily (2)</b> 60:9;122:5 <b>necessary (1)</b> 17:1 <b>need (12)</b> 16:25;18:3;72:4; 74:18;76:17;81:18; 92:10;106:5;108:25; 119:13;127:22;151:19 <b>needed (2)</b> 28:6;93:10 <b>needing (1)</b> 92:3 <b>needs (2)</b> 51:16;77:6 <b>new (1)</b> 94:25 <b>newborn (1)</b> 39:6 <b>next (8)</b> 17:5;113:5;114:20,23; 131:25;134:15;136:5; 160:10 <b>NFDD (2)</b> 32:15;109:23 <b>night (23)</b> 25:16;29:2;31:24; 39:12;53:10;81:16; 93:10;103:11;104:25; 106:8;118:7;122:8; 126:24;137:19;140:25; 145:25;152:1,6;153:16; 156:8;158:1;159:14,17 <b>nobody (4)</b> 11:2;113:8;115:7; 136:5 <b>noise (1)</b> 34:14 <b>None (2)</b> 24:25;134:9 <b>normal (2)</b>	88:14,17 <b>normally (2)</b> 76:10;156:1 <b>north (1)</b> 109:20 <b>northeast (7)</b> 108:21;128:7,14; 129:5;154:17;157:5; 159:13 <b>notation (1)</b> 83:17 <b>note (3)</b> 35:18;143:19,22 <b>notebook (2)</b> 11:5;94:13 <b>notes (1)</b> 118:10 <b>notice (15)</b> 31:20;75:15;114:12; 125:1,4;126:19;127:9; 140:20;142:3;143:7; 158:22,23,24;159:3; 162:15 <b>noticed (2)</b> 130:2;153:25 <b>noticing (2)</b> 107:6,9 <b>notified (1)</b> 93:13 <b>noting (1)</b> 51:6 <b>November (3)</b> 20:20,22,23 <b>Number (16)</b> 12:9;16:9;18:11;21:5; 30:14;68:20;83:13,15; 86:1;113:12,14;153:4; 155:9,10;160:5;167:9 <b>numbers (1)</b> 11:7 <b>numerous (1)</b> 50:2 <b>O</b> <b>Object (67)</b> 17:23;19:5;23:17; 29:5,18;32:1;37:13; 39:14;43:16;46:1;51:14; 54:1,62:6,21;64:11; 66:9;67:3,17;70:18; 71:4;72:20;73:4;76:24; 77:23;78:10,19;79:9,20; 81:8,10;86:17;88:5; 89:5;90:14;96:8;100:1; 24;101:11,24;103:20; 105:13;106:25;115:11, 16;119:25;120:15; 121:2,8;122:2;123:8,24; 132:7;133:5;135:13; 136:9;141:8;144:14; 145:5;146:12;157:15; 164:2,3,11,25;165:17,	25:166:1 <b>Objecting (2)</b> 119:17;131:7 <b>Objection (31)</b> 17:11;38:18;41:10; 42:5;44:1,10;58:23; 66:20;72:11;77:4;84:12; 86:24;96:2;100:25; 106:21;107:11;110:19, 24;112:1,2;113:21; 126:12;127:4;131:6; 135:1;137:20;148:18, 25;158:2;164:18;165:16 <b>objective (3)</b> 89:2;146:10,15 <b>observation (1)</b> 60:16 <b>observe (2)</b> 128:16;147:6 <b>observed (1)</b> 128:20 <b>obstacles (1)</b> 109:22 <b>obstructing (1)</b> 140:3 <b>obstructions (1)</b> 34:18 <b>obtained (2)</b> 15:16;28:7 <b>obviously (2)</b> 11:1;61:19 <b>OC (1)</b> 16:1 <b>occasion (1)</b> 121:24 <b>occasions (3)</b> 22:25;26:14;50:2 <b>occupant (2)</b> 108:7;110:23 <b>occupants (1)</b> 110:17 <b>occur (3)</b> 26:25;76:19;123:14 <b>occurring (2)</b> 26:3;34:17 <b>occurs (1)</b> 5:25 <b>October (5)</b> 49:23;82:16;95:16; 128:5;167:16 <b>off (6)</b> 6:8;9:13;14:25;36:24; 107:20;165:7 <b>offenses (1)</b> 50:1 <b>offer (1)</b> 63:20 <b>office (10)</b> 25:10;29:23,25;57:16, 25;61:2,6,11;74:1;99:2 <b>Officer (112)</b> 5:5,5,6;7:8;10;10:15; 13:11;14:5;23:1,3;
--	---	---	--	--

27:20;30:22;32:13,23; 24:33;13:21;34:9;40:6; 7:51:4;52:9;57:24; 58:13;59:6,10,18,22; 60:15,23;62:15;63:6; 65:11,15;66:7,25;67:25; 68:24;69:16,20,24; 72:13;82:18;83:12; 84:20,22,25;85:7,11; 90:21;92:13;95:18;97:4; 99:7,17,20;100:13; 102:6,15;103:17; 107:18;108:17,20; 109:12,14,21;110:9,16; 112:24;113:1,1,4;114:8; 115:1;117:19;118:16; 119:1,10;120:4,7,18,22; 121:6,7,24;122:9,10; 129:14,21;130:2,7,11, 13,23;131:4,16,19; 133:2,11,14,17,20,24; 134:18;138:6,9,23; 139:12,22;156:15; 163:25;164:15;167:14	20:141:12,13,15;142:8; 9,22;144:3;145:2,10,19; 150:15;151:6,25;152:20; 21:161:19;166:8,21	137:11,15;138:3,12, 14,15;139:1;140:20,22	69:14;123:4;151:13,14; 157:22	141:12,15
<b>officers (67)</b> 14:18;18:11;25:7; 27:14;28:5,12;29:2,4,10; 33:8,9;34:24;35:2,41,3; 6:62:19;73:2;80:19; 86:15;92:3;97:13;98:4; 104:11,12,21,25;105:4; 108:5,6,10,13,14;109:7; 10,15;110:14;116:10; 117:4,7,10,11;119:7; 120:14;122:13,17,19; 130:18,19,21,22;134:7; 11;135:21;137:15,23; 138:11,25;139:24; 140:9;145:24;146:7,11; 147:9,15;151:25; 157:13;166:7	<b>one-light (2)</b> 62:1,3 <b>ones (5)</b> 14:24;32:4;41:19,21; 154:16 <b>only (5)</b> 31:11,12;33:17;146:8; 150:13 <b>open (6)</b> 80:12;105:25,108:18; 109:14,14;118:18 <b>opened (2)</b> 108:19;113:9 <b>operation (22)</b> 41:8;42:2,8,1,2;62:1,5, 20;63:17;68:9;74:4; 96:6;97:23;98:6;99:21; 103:9,14;105:1,12,14; 124:14;129:4;134:24; 157:23 <b>operations (4)</b> 68:10;69:1;70:7;72:1 <b>opinion (4)</b> 42:8;63:10;76:2,9 <b>opinions (2)</b> 35:15;67:20 <b>opportunity (9)</b> 15:13;62:15;74:15,17, 19,21,22;95:3;159:12 <b>opposed (1)</b> 145:15 <b>option (1)</b> 64:19 <b>options (1)</b> 64:16 <b>order (14)</b> 8:3,6;47:7,10,11,22; 48:9;49:8,9;51:17,23; 75:8;76:10;77:5 <b>others (10)</b> 26:7,10;67:6;69:7; 70:2,11,14;71,3,11,18 <b>otherwise (1)</b> 19:22 <b>out (39)</b> 24:18;44:21;43:15; 49:11;54:8,14,17,21; 58:16;60:11;65:17; 67:16;77:18;73:16; 88:22;89:1,14,94:12; 100:19;104:11;107:7; 10;109:11;111:4,7,10; 111:23;114:13;121:17; 124:24;125:16;131:20; 136:24;138:17,23,24; 147:2;149:6;162:25 <b>outs (1)</b> 82:7 <b>outside (9)</b>	<b>outstanding (3)</b> 45:15;46:8;55:25 <b>Over (4)</b> 8:1;18:14;94:18;131:5 <b>overpressure (1)</b> 37:5 <b>own (2)</b> 41:20;72:14 <b>owned (2)</b> 52:17;53:17 <b>owning (1)</b> 72:16 <b>owns (1)</b> 72:25 <b>Oxycodone (1)</b> 74:10	<b>participate (3)</b> 40:5,8;124:13 <b>participating (1)</b> 21:3 <b>particular (2)</b> 9:5;14:4 <b>particularly (2)</b> 31:24;119:11 <b>party (1)</b> 28:5 <b>path (1)</b> 32:22 <b>patients (1)</b> 75:9 <b>Patrol (8)</b> 12:12;13:22,24;14:16, 18;19:11;31:13;137:13 <b>Patterson (31)</b> 57:15,24;58:10,13,20; 59:2,7,8,10;60:23;61:1, 6,10,24;62:15,16;63:1,2, 4,6;66:7,67:13;68:8; 69:20,24;91:9;102:7,9; 103:18,22;104:16 <b>Patterson's (2)</b> 63:23;68:24 <b>pay (1)</b> 11:1 <b>peace (1)</b> 13:11 <b>peeking (3)</b> 110:7,10;147:2 <b>pen (1)</b> 128:25 <b>penalized (1)</b> 7:24 <b>pending (4)</b> 6:5;49:14;55:11;94:10 <b>people (17)</b> 57:4;69:5,25;70:25; 71:15;72:13;96:10; 109:22;140:25;141:3,4, 5,13,24;144:12,20,24 <b>per (1)</b> 24:6 <b>perform (1)</b> 33:14 <b>performing (2)</b> 104:21;137:18 <b>perhaps (2)</b> 139:5;152:21 <b>perimeter (1)</b> 28:13 <b>period (6)</b> 36:6;101:3,6;113:20; 123:23;124:1 <b>permission (1)</b> 16:20 <b>person (9)</b> 25:8;47:4;72:18,25; 73:3;98:15;121:16;	<b>personal (5)</b> 45:17;49:21;67:19; 70:10,17 <b>personality (1)</b> 62:25 <b>personnel (1)</b> 10:11 <b>persons (5)</b> 27:9;38:21;70:9,13; 71:8 <b>person's (1)</b> 47:2 <b>perspective (2)</b> 57:18;124:4 <b>pertain (1)</b> 86:6 <b>pertaining (1)</b> 87:7 <b>pertains (2)</b> 77:15;85:6 <b>phone (1)</b> 98:20 <b>photographs (1)</b> 127:14 <b>phrase (1)</b> 132:25 <b>physical (3)</b> 25:15;59:13;78:2 <b>physicians (2)</b> 75:8;76:10 <b>pick (3)</b> 101:5;148:16;153:11 <b>picked (4)</b> 112:21;121:17; 127:10;161:7 <b>picture (1)</b> 122:24 <b>pictures (2)</b> 126:23,25 <b>piece (2)</b> 128:24;132:14 <b>PIER (3)</b> 11:24;12:18;13:15 <b>pillow (17)</b> 125:12,19,24,24; 126:2,3,14,18,19,25; 127:2,2,10;128:7; 159:20;162:10,15 <b>pillows (1)</b> 125:12 <b>pills (7)</b> 75:17;76:11,14;77:15; 79:7,84:9,9 <b>pistol (2)</b> 116:18;153:9 <b>place (10)</b> 59:23;60:15;61:2; 63:3;69:3;107:7,10; 133:12;138:3;142:1 <b>placed (2)</b> 8:3;39:10 <b>Plaintiff's (1)</b>
		<b>P</b>		
		<b>P85 (2)</b> 154:2;155:17 <b>pace (2)</b> 112:11,21 <b>package (1)</b> 80:15 <b>packaged (1)</b> 80:12 <b>page (29)</b> 11:11;15:20;21:1; 31:20;32:7,18;33:22; 34:16;38:3;54:11;69:15; 74:6;94:7,15,17,19,20, 23;105:9;108:1,1,109:7; 150:7,22,23;153:2; 154:6,6;163:3 <b>pajamas (1)</b> 137:4 <b>paper (1)</b> 128:24 <b>paragraph (16)</b> 36:10,15,18,21;69:10, 14;95:3;105:9,11,16,18, 21;109:6,8;110:1,153:7 <b>paragraphs (1)</b> 150:24 <b>paranoia (3)</b> 89:3;100:17;116:16 <b>paranoid (5)</b> 88:22;89:14,18; 100:19;146:24 <b>Pardon (1)</b> 161:2 <b>Park (11)</b> 7:25;22:13;29:23,25; 30:7;44:21;52:11;57:25; 58:6;85:23;86:2 <b>parking (1)</b> 142:19 <b>part (13)</b> 8:14;14:5;29:3;38:12; 48:25;49:5;65:5,8;		



Tricia Wachsmuth v.  
City of Powell, et al.

Chad Miner  
October 6, 2010

128:24 <b>plan (15)</b> 105:10,23;106:9; 107:2,16;116:12,12,13, 13,25;117:11;118:16; 122:24,25;135:4 <b>planning (5)</b> 39:19;40:5,8;144:5,6 <b>plants (11)</b> 62:1;147:24;148:13, 23;149:12,19,24;151:9, 16;163:19;165:10 <b>please (6)</b> 5:22;10:22;34:23; 40:16;102:4;109:9 <b>plenty (2)</b> 6:11;53:22 <b>plus (1)</b> 114:9 <b>pm (5)</b> 49:23;82:16;95:16; 128:5;167:16 <b>point (17)</b> 35:9;39:24;43:2,3; 59:12;64:23;91:12;99:6; 103:7;107:5;108:6; 112:25;130:24;136:16, 22;138:21;155:21 <b>pointed (2)</b> 120:21;130:17 <b>pointing (4)</b> 120:20;130:13;132:2; 133:24 <b>Police (59)</b> 9:11,19,21,25;10:3,7, 13,20;17:9;18:4,21;18; 22;17:23;1;25:7,26;17; 30:1,2,9,10,12;31:23; 34:3,25;47:2;48:5,19,20; 49:20;50:5,10,20;54:24; 60:22;65:24;66:19;68:6; 88:1;93:12;95:8;97:10; 99:9;103:10;104:11,19, 24;105:1,24;108:15,18; 109:13;113:6;116:5,7,9; 117:21;118:3;155:3; 158:15,18 <b>poor (1)</b> 165:4 <b>porch (6)</b> 111:16,18;114:3,6; 129:20,22 <b>porn (1)</b> 87:15 <b>pornography (2)</b> 87:8,18 <b>portion (4)</b> 39:20;68:25;103:8; 116:13 <b>posed (3)</b> 100:13;146:6,11 <b>posing (2)</b> 86:14;147:8	<b>position (8)</b> 35:17;68:4,4;109:15; 112:14,16;129:8;139:13 <b>possesses (1)</b> 72:18 <b>possession (6)</b> 16:16,17;18:20;48:6; 70:14;96:13 <b>possibility (8)</b> 39:23;60:6;64:9;72:9; 93:12;104:9;142:20; 144:20 <b>possible (5)</b> 18:16;74:19;116:16; 146:8;165:24 <b>Possibly (9)</b> 20:20;34:21;87:8; 116:17;141:11,15,16; 144:21;145:1 <b>POST (15)</b> 11:8,18,20,22,12:23, 25,25;13:3,10,15:21; 19:1,17,21;40:12,13 <b>potential (3)</b> 33:4;44:7;100:12 <b>Powell (28)</b> 9:11,19,21,25:10:3,7, 13,20;13:23,24;17:9; 18:4,21;18:22:17:23;1; 25:7,26;17:31:13:34;25; 48:5;50:19,19:54:23; 58:6;65:24;73:13; 108:15;155:3 <b>practice (1)</b> 16:7 <b>premises (2)</b> 28:10;52:12 <b>preparation (1)</b> 39:20 <b>prepare (1)</b> 107:22 <b>prepared (6)</b> 83:12;88:12,13;91:17; 108:2;156:15 <b>preparing (2)</b> 88:14,17 <b>prescription (6)</b> 76:6;79:7,19;84:10, 15,16 <b>presence (5)</b> 27:15;33:10;50:6; 120:9;147:6 <b>present (15)</b> 21:17;22:23;37:12; 38:15;39:19;58:13; 60:13;63:1;86:15;91:12; 105:1;117:4,11;118:6; 141:12 <b>presented (3)</b> 62:19;108:3;145:23 <b>pretty (2)</b> 115:19;150:3 <b>prevent (2)</b>	63:20;67:15 <b>previous (2)</b> 28:18;41:15 <b>previously (1)</b> 58:22 <b>primary (2)</b> 65:12;106:1 <b>printer (1)</b> 162:24 <b>prior (20)</b> 19:13;28:4;30:22; 31:11;36:16;37:3,9; 38:9;59:19;70:7;76:6; 79:22,25;80:1;101:16; 113:3;131:23;135:6; 141:21;143:4 <b>probable (3)</b> 85:22;86:1;91:1 <b>probably (14)</b> 20:22;25:4;41:22,25; 54:7;55:7;58:12;66:11; 68:3;90:8;93:6;125:15; 126:24;153:19 <b>probationary (2)</b> 10:3,7 <b>probe (2)</b> 78:6,13 <b>problems (1)</b> 6:17 <b>procedure (2)</b> 88:14,17 <b>proceed (3)</b> 61:7,15,17 <b>proceedings (2)</b> 7:23;167:15 <b>process (2)</b> 116:1;147:11 <b>procession (2)</b> 135:11,16 <b>produce (2)</b> 94:18;127:22 <b>produced (4)</b> 14:4;48:5,24;127:24 <b>product (3)</b> 31:21,22;69:7 <b>production (1)</b> 48:3 <b>products (4)</b> 70:1;71:2,10,17 <b>professional (1)</b> 40:10 <b>progressed (1)</b> 10:23 <b>progressing (1)</b> 27:7 <b>projectors (1)</b> 16:2 <b>prosecuting (1)</b> 165:19 <b>protect (6)</b> 69:6;70:1;71:1,2,10, 17 <b>protected (1)</b>	119:24 <b>protection (1)</b> 70:16 <b>protective (9)</b> 47:7,10,10,22;48:9; 49:8;51:17,23;77:5 <b>provide (3)</b> 16:18,21;44:9 <b>provided (10)</b> 20:10;43:11;53:16; 59:19;62:17;87:6; 116:15;127:13;167:5,6 <b>providing (1)</b> 56:25 <b>pull (2)</b> 47:21;50:10 <b>pulled (1)</b> 50:5 <b>purchase (1)</b> 32:19 <b>purchased (2)</b> 31:23;33:25 <b>purpose (4)</b> 33:4,17,18;34:21 <b>purposes (2)</b> 12:25;21:6 <b>push (1)</b> 151:21 <b>put (18)</b> 16:10;68:3;76:3;86:5; 96:19;97:9;124:20; 125:19;126:2;127:10; 128:10,11;133:2;137:7, 13;148:8,149:8;162:11 <b>putting (1)</b> 92:12 <b>Q</b> <b>qualified (1)</b> 33:15 <b>quickly (3)</b> 115:20;116:14;150:4 <b>quotations (1)</b> 105:24 <b>quoted (1)</b> 68:7 <b>R</b> <b>raise (3)</b> 10:24;11:2;63:14 <b>rake (2)</b> 109:19,20 <b>ram (13)</b> 28:16,19,22,25;106:1; 108:19;109:14;118:17; 119:2,5;121:20;123:20, 21 <b>rammed (2)</b> 109:19;112:14 <b>ran (1)</b> 162:25	<b>Ranger (1)</b> 52:19 <b>rank (2)</b> 10:13,19 <b>rather (6)</b> 9:9;41:2;55:8;56:1; 62:18;104:1 <b>reach (1)</b> 57:21 <b>reaction (1)</b> 112:6 <b>read (18)</b> 36:25;76:15,16;82:18; 95:10;105:11,20;106:17, 19;107:5,8;108:6,8; 109:8;119:15;150:10; 151:3,6 <b>ready (1)</b> 134:19 <b>real (1)</b> 67:23 <b>realize (1)</b> 14:9 <b>really (11)</b> 7:5;25:20;28:13; 48:12;68:4;90:17;101:6; 133:1;148:20;155:2; 157:24 <b>realm (1)</b> 119:19 <b>reason (14)</b> 12:22;54:20;55:9,14; 66:16;67:2,13;68:3; 88:18;93:9,19;145:22; 146:5;157:13 <b>reasonable (2)</b> 119:23;120:4 <b>reasonably (1)</b> 146:2 <b>reasons (4)</b> 58:5;67:20;68:1;93:17 <b>recall (47)</b> 15:15;24:16;26:10,13; 27:5;31:16;37:7;44:12, 19;45:19;50:6,7,23; 53:11,14,15;62:2;63:9, 11;65:8;66:15;70:3; 75:22;76:2;80:24;88:13; 90:1;91:11;92:1;97:20; 100:4;104:13,17;111:1; 116:3;120:23;124:19; 128:10;129:23;132:19; 134:5;137:25;138:17; 141:25;143:22;149:23; 150:2 <b>receipt (2)</b> 155:4;156:1 <b>received (17)</b> 10:19;11:2;18:5,21, 25;35:19;36:16;37:22; 39:5;40:10,20;69:20; 86:7;95:22;96:18; 118:15;166:22
---	--	--	---	---

<b>receiving (1)</b> 10:24	<b>regard (3)</b> 5:24;18:24;71:1	26:2;81:23;82:25; 87:23;88:1,6,6;89:23; 90:3,5;91:1;107:4,15,22; 109:1;148:3,5,9;153:16, 23;154:3;157:14,24; 158:6	<b>revenge (1)</b> 78:9	33:19
<b>recently (1)</b> 77:19	<b>regarding (6)</b> 34:17;42:23;52:21,23, 25;79:6	<b>reported (1)</b> 116:18	<b>review (3)</b> 11:12;76:16;86:12	<b>Ruger (2)</b> 154:2;155:17
<b>receptionist/secretaries (1)</b> 118:3	<b>registration (2)</b> 53:7,14	<b>reporter (1)</b> 106:16	<b>reviewed (2)</b> 95:18;117:11	<b>rules (1)</b> 32:24
<b>receptionist/secretary (1)</b> 117:22	<b>rehired (1)</b> 9:15	<b>reports (3)</b> 41:20;152:21;157:12	<b>revisit (1)</b> 146:18	<b>run (4)</b> 74:15,25;104:7;149:7
<b>Recess (4)</b> 49:22;82:15;95:15; 128:4	<b>rejected (1)</b> 46:15	<b>representative (2)</b> 108:24;110:3	<b>rifle (1)</b> 119:8	<b>running (2)</b> 103:8;112:18
<b>recital (1)</b> 58:21	<b>relate (2)</b> 163:14;164:15	<b>reputation (1)</b> 65:16	<b>right (85)</b> 7:5;11:7;13:8;16:11; 17:5,7,16;19:9;20:4; 25:15;26:7,15;28:1; 31:14;33:24;35:12; 36:24;37:3;39:4,9; 42:16;49:15;50:14; 51:25;53:3,6;56:11; 59:22,23;60:15,21; 73:21;83:24;85:2;87:13; 89:12;19:90:20;91:8; 94:11;95:2,18;97:16; 99:3;102:24;107:25; 112:17;114:12,20,23; 118:8;120:11;121:15, 21;124:11,18;126:5; 127:12;128:23;129:18, 19;131:22;135:19; 136:14,15;137:12; 140:5;142:11;143:14, 19;144:9,23;145:2,8; 149:11;151:18,24; 152:15;155:25;156:4; 159:1;162:18;164:22; 166:5;167:13	<b>S</b>
<b>recognize (3)</b> 14:7,8;117:17	<b>related (2)</b> 55:22;68:25	<b>request (3)</b> 43:10;48:3;167:7		<b>safely (1)</b> 61:22
<b>recognized (5)</b> 11:22;12:24;13:10; 19:1;49:16	<b>relates (1)</b> 86:14	<b>requested (4)</b> 49:10;58:3;106:20; 119:16		<b>safety (6)</b> 62:19;86:15;106:3; 145:24;146:6;147:8
<b>recollect (1)</b> 110:2	<b>relating (2)</b> 40:21;166:7	<b>required (1)</b> 5:14		<b>same (11)</b> 12:18;25:12;36:25; 86:24;108:19;110:24; 130:25;132:21;141:24; 143:24;144:3
<b>recollection (9)</b> 13:5;20:12;21:12,21; 27:25;29:1;44:19;102:9; 118:8	<b>relation (1)</b> 123:20	<b>residence (29)</b> 38:16,17;39:12;60:5, 7;66:18;78:17;97:7; 104:22;106:2,9;107:17; 108:7;109:18;120:13; 140:8,21,23;144:11; 147:12;149:20;152:5; 153:19;158:1;159:23; 160:12;162:1,8,15		<b>satisfied (2)</b> 94:22,24
<b>recommendations (1)</b> 36:14	<b>relationship (1)</b> 93:3	<b>residue (4)</b> 156:7;157:1,3,7		<b>saw (16)</b> 21:9;80:24,25;81:3; 111:4,7,10,11;114:2; 115:23;138:14,16,17; 149:25;153:22;154:19
<b>recommended (1)</b> 36:12	<b>relative (3)</b> 13:11;18:25;20:13	<b>respect (1)</b> 26:1	<b>risk (2)</b> 39:7;73:11	<b>saying (2)</b> 70:3;160:17
<b>record (21)</b> 11:16;20:9;21:6; 35:19;40:16;47:3,5; 48:2,6,7,11;49:21;50:5, 11;77:6;101:19;105:11; 106:19;109:8;119:15; 133:23	<b>relatively (1)</b> 42:14	<b>respond (1)</b> 167:8	<b>River (1)</b> 13:14	<b>scale (1)</b> 130:10
<b>recorded (1)</b> 5:18	<b>relay (1)</b> 143:3	<b>responded (1)</b> 167:10	<b>Riverton (2)</b> 30:1;40:18	<b>scene (2)</b> 29:2;84:7
<b>records (8)</b> 11:9,18,20;12:23; 13:3;14:5;20:9,11	<b>relayed (8)</b> 87:14;90:8;98:16; 100:9,11,15;116:14; 164:8	<b>responding (2)</b> 29:4,10	<b>Rock (2)</b> 9:12,15	<b>school (4)</b> 8:16,19;9:1;145:15
<b>recover (1)</b> 125:9	<b>released (1)</b> 155:23	<b>Response (11)</b> 13:22;14:16,23;19:11; 20:21;31:13;60:24; 112:9;164:22,24;165:1	<b>role (2)</b> 118:16;121:20	<b>schooling (1)</b> 8:25
<b>recovered (2)</b> 125:11;148:24	<b>relevance (3)</b> 35:3,6,16	<b>responsibility (1)</b> 106:2	<b>roof (1)</b> 149:9	<b>scroll (1)</b> 94:24
<b>redact (1)</b> 47:13	<b>relevant (1)</b> 33:4	<b>responsible (2)</b> 33:8;98:13	<b>room (21)</b> 21:2;31:7;81:22,23, 25,25;91:12;109:11; 114:19;116:10;121:25; 128:9,19;129:17; 133:19;134:8,9,17; 139:10;152:8;154:5	<b>se (1)</b> 24:6
<b>refer (3)</b> 86:8;148:3,5	<b>reliability (1)</b> 57:22	<b>rest (4)</b> 6:11;16:4;119:6; 132:25	<b>rooms (2)</b> 37:11;152:7	<b>seal (1)</b> 47:8
<b>reference (9)</b> 80:18;91:2,92:7; 95:21;150:13;151:17; 156:6,25;157:11	<b>reliable (1)</b> 48:16	<b>restate (3)</b> 52:1;102:4;147:19	<b>roots (1)</b> 165:9	<b>sealing (1)</b> 47:10
<b>references (1)</b> 157:2	<b>relying (1)</b> 68:24	<b>restraining (2)</b> 8:3,6	<b>rosters (1)</b> 13:3	<b>search (53)</b> 21:22;23:3,16;24:4,9; 26:13;27:8;28:7;39:12; 52:10,16;62:20;68:2,11, 13,22;74:7;75:2;78:23; 79:23;80:20;81:15,24; 86:22;91:18;92:4,10,11, 15,19;93:4,9,22,25; 95:19;96:13,22;97:3,9, 18;98:8;101:6;105:24; 108:2,15,18;109:13; 113:6;126:24;141:11; 142:7;152:1;154:17
<b>referring (9)</b> 39:7;71:8;78:2;83:2; 86:9;93:23,24;144:12,17	<b>remaining (1)</b> 134:24	<b>retrieve (1)</b> 17:2	<b>roughly (4)</b> 92:25;161:17;162:6,9	<b>searched (3)</b> 52:13;159:15,16
<b>refers (2)</b> 69:18;83:9	<b>remember (58)</b> 9:16;12:4;14:21;15:4; 16:2;20:16,24,21,3; 22:7,24;23:1,25,24; 26:1,7;28:17;40:2,3; 43:22,24;45:5,24;51:6; 54:9,10,19,20;55:17,18; 65:5;66:3;69:24;74:13; 79:2;81:6,9;82:22; 98:16;107:6,9,110:13; 118:2;122:19, 26:7; 135:22;136:6, 37:5; 138:11,13,25;143:17; 144:1,2,2,153:3;156:7; 157:6;159:20, 63:2	<b>return (1)</b> 156:1	<b>route (1)</b>	<b>second (18)</b>
<b>reflect (3)</b> 53:22;56:24;133:23	<b>report (24)</b>	<b>returned (1)</b> 129:3		
<b>refresh (1)</b> 20:11				

15:20;28:2;32:18; 33:22;38:3;54:11;58:7; 69:14;75:11;95:14; 108:1;109:6;115:14; 121:15;131:18;153:7,7; 162:21 <b>seconds (4)</b> 113:18;114:11;124:7; 161:22 <b>secretary (1)</b> 58:17 <b>secure (1)</b> 106:2 <b>secured (2)</b> 27:10;109:16 <b>securing (1)</b> 152:12 <b>security (1)</b> 28:13 <b>seeing (3)</b> 33:3;153:8;156:7 <b>Seemed (1)</b> 150:15 <b>seems (5)</b> 12:23;94:14;110:3; 115:7;122:23 <b>seizure (2)</b> 52:10;68:22 <b>self-executing (1)</b> 127:16 <b>sell (5)</b> 69:5;70:11,14;71:9,16 <b>selling (1)</b> 74:4 <b>semiautomatic (1)</b> 153:8 <b>seminar (2)</b> 16:12;18:20 <b>sending (4)</b> 13:2;75:25;76:21; 79:18 <b>sense (1)</b> 67:23 <b>sensitive (3)</b> 99:10,12;116:18 <b>sent (4)</b> 75:17;79:7;80:13; 163:6 <b>sentence (3)</b> 69:13,14;153:8 <b>sentences (2)</b> 106:8;109:25 <b>separate (4)</b> 19:6;85:10;140:12; 142:13 <b>September (3)</b> 14:16;19:10;36:5 <b>sequence (1)</b> 88:13 <b>Sergeant (33)</b> 25:9;34:11,11,11; 63:24;64:1;66:1;92:5; 97:17;98:16;99:10;	102:25;103:8,18;104:6; 9,14;108:20;109:19; 117:6;128:18,19;132:17; 22:134:9,10,14;135:20; 138:21;143:3,4;158:8; 165:9 <b>serious (1)</b> 51:1 <b>serve (2)</b> 25:14;162:1 <b>served (6)</b> 23:6;31:2,25;46:18; 93:10;116:6 <b>serves (1)</b> 118:8 <b>service (6)</b> 22:12;25:12;26:8; 64:10;66:8;67:14 <b>session (1)</b> 20:17 <b>sessions (1)</b> 12:24 <b>setting (3)</b> 18:10,13;20:13 <b>settings (2)</b> 15:14;21:13 <b>Seventeen (2)</b> 68:13;153:5 <b>several (7)</b> 22:6,7,8;29:1-;108:5, 12,14 <b>shall (2)</b> 47:12;128:2 <b>share (1)</b> 52:3 <b>shelf (1)</b> 154:9 <b>sheriff (1)</b> 61:11 <b>sheriff's (7)</b> 22:13;25:10;29:23,25; 30:12;57:15,25 <b>sheriff's' (1)</b> 61:11 <b>shift (1)</b> 28:4 <b>Shit (1)</b> 149:8 <b>shooter (2)</b> 11:24;12:18 <b>shooters (1)</b> 31:8 <b>short (2)</b> 123:23;124:1 <b>shortly (4)</b> 113:8;123:5,1-; 135:23 <b>show (4)</b> 44:24;45:3;59:13; 118:19 <b>showed (1)</b> 45:8 <b>shows (1)</b>	126:25 <b>side (4)</b> 18:16;133:21,24; 140:2 <b>sight (1)</b> 109:17 <b>signature (3)</b> 94:15,17,18 <b>signed (1)</b> 92:21 <b>significant (6)</b> 39:1;45:24;46:5,9; 54:10;127:1 <b>significantly (3)</b> 73:1,9,11 <b>signs (1)</b> 137:23 <b>similar (1)</b> 28:2 <b>simple (1)</b> 43:25 <b>simply (1)</b> 29:3 <b>simulated (2)</b> 21:13;105:5 <b>sit (2)</b> 43:22;153:20 <b>sitting (1)</b> 115:24 <b>situation (1)</b> 28:3 <b>situations (1)</b> 27:4 <b>size (7)</b> 75:9,10;76:11,23; 149:19;150:13;151:15 <b>small (9)</b> 37:11;38:22;42:14; 60:4,9;61:25;62:3; 119:18;156:7 <b>smoking (2)</b> 82:5;162:15 <b>smoldering (4)</b> 125:20;126:6,8,20 <b>solve (1)</b> 47:19 <b>somebody (1)</b> 30:17 <b>someone (8)</b> 26:3;27:17;110:6,10; 113:2;117:20;148:13; 152:22 <b>sometime (1)</b> 159:22 <b>sometimes (3)</b> 31:10,10;116:17 <b>somewhere (3)</b> 133:22;145:17;156:11 <b>son (6)</b> 66:17,18;99:14,15,22; 104:11 <b>son-in-law (1)</b> 76:1	<b>sorry (17)</b> 19:9;42:7;68:14; 69:11;75:10;88:8;92:11; 103:22;106:14;119:12; 12,14;142:12;146:4; 156:21,23;158:25 <b>sort (4)</b> 18:12;56:11;76:20; 112:17 <b>sounded (1)</b> 42:13 <b>sounds (2)</b> 30:6;127:6 <b>source (1)</b> 48:16 <b>sources (1)</b> 101:22 <b>space (1)</b> 149:8 <b>SPEAKER (1)</b> 42:10 <b>speaking (2)</b> 41:19;94:8 <b>speaks (1)</b> 105:14 <b>specialized (1)</b> 14:17 <b>specialty (1)</b> 15:25 <b>specific (1)</b> 89:13 <b>specifically (7)</b> 22:24;26:10;39:6; 41:19;47:23;122:15; 138:13 <b>specifics (1)</b> 22:7 <b>speculate (1)</b> 121:4 <b>speculation (2)</b> 102:2;121:9 <b>sped (1)</b> 112:11 <b>spend (3)</b> 35:4;55:1;145:12 <b>spent (1)</b> 54:22 <b>spoke (5)</b> 51:7;87:12;98:23; 99:17;103:1 <b>spoken (1)</b> 99:3 <b>spot (2)</b> 129:12;130:1 <b>stage (2)</b> 144:5,6 <b>stairs (12)</b> 131:2,17,24;135:25; 136:3,15;138:19,24; 139:10,14,23,25 <b>stairway (1)</b> 129:24 <b>stamp (1)</b>	153:4 <b>standing (7)</b> 64:5;116:1;128:20; 129:20,21;130:3;136:5 <b>start (6)</b> 24:11,24;40:13;81:25; 108:10;160:13 <b>started (10)</b> 9:24;10:16,20;28:3; 85:17;109:11;112:12; 114:7;131:17;135:25 <b>starting (4)</b> 6:1;11:11;105:9,18 <b>starts (2)</b> 36:11;108:4 <b>state (1)</b> 146:18 <b>stated (5)</b> 39:6;71:23;75:16; 100:16;132:21 <b>statement (7)</b> 74:8;88:21;90:2; 110:6,9,11;134:14 <b>statements (3)</b> 90:25;100:23;146:20 <b>stating (1)</b> 35:23 <b>station (13)</b> 60:22;66:19;97:10; 103:11;104:19,24; 105:2;116:6,7,9;141:21; 158:15,18 <b>statute (1)</b> 50:16 <b>stay (2)</b> 138:4;156:4 <b>stayed (1)</b> 9:15 <b>step (1)</b> 10:24 <b>stepped (1)</b> 58:16 <b>steps (2)</b> 57:10,13 <b>sticks (1)</b> 24:18 <b>still (2)</b> 138:22;143:8 <b>stop (1)</b> 80:8 <b>story (1)</b> 84:2 <b>stretching (1)</b> 76:20 <b>stricken (2)</b> 51:16;77:6 <b>strike (5)</b> 44:15;51:25;62:4; 77:9;152:16 <b>structure (1)</b> 142:13 <b>structured (1)</b> 40:21
---	---	--	---	--

<b>stuff (1)</b> 140:2	<b>T</b>	<b>terms (7)</b> 9:8;38:16,25;61:16; 103:1;106:9;119:10	20:20;25:15;62:18; 72:18;73:2;86:15; 100:12;145:23;146:1,6, 11;147:8	<b>total (2)</b> 55:5;162:7
<b>stuffed (8)</b> 74:11;80:25;82:4,19; 83:1,18;84:1,3		<b>testified (3)</b> 5:2;68:16;104:3	<b>threatened (1)</b> 77:21	<b>totality (1)</b> 120:5
<b>subject (4)</b> 14:11;29:13;47:4; 102:24	<b>tabs (2)</b> 20:6;154:23	<b>testify (1)</b> 48:15	<b>threats (3)</b> 78:1,2;144:11	<b>toward (1)</b> 140:16
<b>submitted (2)</b> 91:20,23	<b>Tactical (12)</b> 12:10;13:22; 4:16; 19:2,11;21:19;23:14; 24:3,7;29:3,15;31:13	<b>testifying (1)</b> 84:22	<b>three (14)</b> 9:14;13:25;57:18; 106:7;141:2,5,24; 144:20,24;154:2,3,14, 19;155:12	<b>towards (4)</b> 110:17;121:19; 133:24;140:19
<b>subsequent (1)</b> 80:3	<b>tactics (1)</b> 14:18	<b>testimony (10)</b> 39:15;64:12;72:8; 79:10;104:3;131:8; 133:6;139:19;145:6; 159:19	<b>Throw (1)</b> 149:9	<b>town (1)</b> 73:19
<b>substance (1)</b> 104:17	<b>talk (5)</b> 18:11;72:3;98:11; 102:17,21	<b>thereafter (2)</b> 113:8;135:24	<b>ticket (1)</b> 44:23	<b>traffic (2)</b> 6:22;7:9
<b>substances (2)</b> 69:6;71:9	<b>talked (11)</b> 13:18;19:6;37:7;66:1; 83:25;99:8;102:22,23; 103:1;158:10 163:7	<b>thin (1)</b> 121:17	<b>Tim (7)</b> 163:7,8,9,11;165:22, 23;166:2	<b>train (2)</b> 15:1;119:13
<b>substantially (1)</b> 50:25	<b>talking (18)</b> 6:23,25;35:5;36:5; 37:23;38:5;45 18:75;22; 99:11,13;114:9;127:22; 131:19;149:11,25; 150:19;151:15;167:12	<b>thinking (1)</b> 157:6	<b>times (8)</b> 16:6,9;18:12;31:17; 41:18;98:21;102:17; 161:18	<b>trained (7)</b> 21:13;32:13;34:25; 36:1,4,19;105:4
<b>substantiated (1)</b> 84:8	<b>talks (1)</b> 32:7	<b>third (6)</b> 34:16;36:9;105:9,16, 18;121:15	<b>timing (2)</b> 96:6,11	<b>training (57)</b> 11:9,20,22;12:24; 13:10;14:5,7,22;15:6,14; 16:12;17:22;18:6,10,19, 22,24;19:1,3,15,19,21, 24;20:9,12,25;30:23; 31:6,10,13,18,19;32:10; 33:2,34;13:35;19:36;15; 37:10,21,24,24;38:2,5; 39:5;40:10,12,12,19,20, 21,23;41:2;67:24;76:5; 116:10;119:10,19
<b>successfully (1)</b> 10:6	<b>tall (5)</b> 148:1,9;149:15,23; 151:10	<b>Thirty-five (1)</b> 162:22	<b>titles (1)</b> 53:7	<b>trainings (1)</b> 19:6
<b>suggest (1)</b> 66:7	<b>Tan (1)</b> 52:18	<b>Thirty-seven (1)</b> 155:15	<b>today (8)</b> 5:13,17;16:24;43:23; 53:21,24;54:4;75:20	<b>transfer (1)</b> 84:4
<b>suggested (1)</b> 66:11	<b>taught (2)</b> 18:4,23	<b>Thirty-two (4)</b> 83:14;154:22,24; 156:18	<b>together (6)</b> 22:16;47:22;64:6,15; 117:10;140:11	<b>transpired (1)</b> 55:23
<b>suitcase (1)</b> 149:8	<b>team (30)</b> 21:13,19;22:13,14,16; 23:14;24:4,7;98:7,14; 103:5,7;104:2 109:15; 112:13;116:22 122:15; 17;123:1,5,11,133:18; 134:19,19;140:10,11,13; 141:19;152:2,4	<b>THOMPSON (97)</b> 17:11,24;29:7,20; 32:1;35:18,22,25;37:15; 38:18;39:16;41:10;42:5; 43:18;44:1,10;46:3; 47:6,9,17,21;48:8,18,22; 49:7,16,19;51:16,22; 54:3;58:23;62:8,23; 64:13;66:20;67:3;70:20; 71:6;72:11,22;73:6; 75:12;77:1,4,25;78:12; 19;79:21;82:7;84:12; 86:19,24;89:7;96:2,8; 100:3,25;101:13;102:11; 105:13;106:21;107:11; 110:19,24;112:1; 113:21;115:18;120:2, 17;121:8;122:4;123:10; 126:12;127:4,16;131:6; 132:9;133:8,23;135:1, 15;137:20;141:9; 146:14;148:18,25;151:2, 19;157:17;158:2;164:2, 4,11,18;165:16,25; 166:24	<b>titles (1)</b> 53:7	<b>transport (1)</b> 9:18
<b>Summarize (1)</b> 151:6	<b>teams (1)</b> 29:15	<b>thought (13)</b> 33:14;50:4;78:21; 112:6,10;119:13;141:12, 13;144:19,24;149:24; 156:25;162:12	<b>today (8)</b> 5:13,17;16:24;43:23; 53:21,24;54:4;75:20	<b>treatment (1)</b> 76:22
<b>supervisors (1)</b> 34:8	<b>teams' (1)</b> 106:1	<b>thoughts (3)</b> 65:5,9,10	<b>together (6)</b> 22:16;47:22;64:6,15; 117:10;140:11	<b>trial (2)</b> 5:18;47:16
<b>supplied (1)</b> 90:13	<b>team's (1)</b> 112:11	<b>threat (12)</b>	<b>told (25)</b> 31:15;43:7;50:4; 55:18;61:10;76:13,18; 79:1;89:12,24;90:21; 91:4;98:15;99:18;100:7; 103:8;116:12;117:19; 119:1;121:12;139:15; 143:10;151:8;156:16; 163:25	<b>Tricia (42)</b> 49:6;56:13;74:16; 75:17;79:6,18;85:3; 86:3;114:16;115:22; 120:12;124:12;128:18; 130:3,6,11,14;131:1,16, 23,25;132:2,6,17;133:4, 10,15;136:3,4,16,21; 138:4,12;139:1,23; 141:6,15;146:6,21; 151:8;152:12;158:17
<b>support (1)</b> 100:23	<b>teamwork (1)</b> 14:24		<b>tomorrow (1)</b> 6:9	<b>Tricia's (9)</b> 74:9,25;75:24;76:14; 77:14,15;80:18;81:4; 131:9
<b>sure (27)</b> 12:2;13:18,21;16:25; 23:24;26:19;43:25;45:6, 20;55:13;63:2;70:3,12; 77:1;87:10;94:4;100:15; 107:5,8;120:10;124:2; 150:4;152:22;156:11; 160:1,19;166:15	<b>Technology (1)</b> 11:25		<b>tonight (2)</b> 6:7;153:20	<b>trouble (3)</b> 5:21;69:16;75:19
<b>surprise (1)</b> 112:8	<b>telling (2)</b> 69:25;78:7		<b>took (15)</b> 9:6;12:4,15;13:1,6; 14:10;54 21;61:2;63:3; 126:20;133:12;136:25; 137:11;142:1;159:20	<b>true (14)</b> 15:18;41:7;60:12; 68:12;70:7,8;72:19,23; 73:3;78:7;94:6,21;
<b>surveillance (2)</b> 59:19,23	<b>ten (3)</b> 39:11;113:18;124:7		<b>top (4)</b> 14:25;32:7;154:6,9	
<b>suspect (2)</b> 122:1,1	<b>tend (1)</b> 100:22		<b>Torccon (1)</b> 118:9	
<b>suspecting (1)</b> 79:2	<b>tends (1)</b> 84:2			
<b>suspicion (1)</b> 142:15	<b>ten-year-old (1)</b> 39:10			
<b>SUV (1)</b> 52:18	<b>term (2)</b> 10:3,7			
<b>SWAT (3)</b> 22:13,14;116:22				
<b>swear (1)</b> 28:24				
<b>sworn (1)</b> 5:2				

Tricia Wachsmuth v.  
City of Powell, et al.

Chad Miner  
October 6, 2010

149:14;158:5 <b>truth (1)</b> 7:3 <b>truthful (2)</b> 6:15,19 <b>try (5)</b> 33:1;35:14;47:19; 120:25;164:5 <b>trying (8)</b> 15:7;55:11;56:18; 69:11;94:11;110:13; 146:17;147:12 <b>turn (18)</b> 11:5;14:3;32:25; 35:14;49:14;51:10;52:8; 68:19;85:16;17;87:22; 96:20;105:7,8;124:20, 24;151:24;160:3 <b>turned (2)</b> 60:11;95:9 <b>turning (2)</b> 55:10;152:15 <b>turns (2)</b> 25:11;67:15 <b>Twenty (2)</b> 148:7,8 <b>twice (1)</b> 102:19 <b>two (24)</b> 19:6;25:3,4,7;26:14; 44:13;45:19,21;58:5; 62:1;82:7;83:18;84:21; 106:7;115:15;125:15; 133:21,25;135:21; 141:13;151:10;153:25; 162:6,14 <b>type (3)</b> 23:6;88:15;103:14	154:22 <b>unreliable (1)</b> 46:16 <b>unstable (4)</b> 90:4,6,11,21 <b>untrue (1)</b> 78:8 <b>up (36)</b> 8:9,12;12:23;39:18; 44:24;45:8;50:5,10; 57:5;66:4;75:10;79:13; 87:15,18;89:22;97:16; 101:5;104:4;111:16; 112:11,21;116:2,12; 127:10;128:20;131:18, 23;134:16;138:12,19; 141:2;144:24 153:11, 13;161:7;165:18 <b>upstairs (3)</b> 136:25;139:1,1 <b>use (31)</b> 15:1,17,25;17 9,14,22; 18:5;22:13;29:16;30:24; 32:8,15;36:17,46:5,10; 67:15;70:10,10,15,17, 17;71:16;87:16;88:16; 105:25;116:21;119:22; 123:21;130:8;139:6; 146:15 <b>used (17)</b> 5:18;28:16,19,22; 31:24;34:1;36 2;38:12; 41:15;46:12;67:6;84:3; 89:16;104:18 109:19; 166:6,18 <b>uses (1)</b> 73:1 <b>using (7)</b> 40:11;41:4,5;-8:6; 73:10,10;108:19	139:24;140:3 <b>violate (1)</b> 49:9 <b>violated (2)</b> 33:11;51:22 <b>violates (2)</b> 47:7;51:17 <b>violating (1)</b> 77:5 <b>violation (2)</b> 6:22;7:9 <b>violations (2)</b> 33:11;120:8 <b>violence (11)</b> 25:11,14,16,17;26:2,3; 28:21;101:10,23;102:8; 146:21 <b>violent (3)</b> 78:2;146:25;147:3 <b>Virtually (1)</b> 23:7 <b>visit (2)</b> 92:13;102:6 <b>visited (1)</b> 163:15 <b>visiting (5)</b> 54:22;98:5;101:4,16; 104:10 <b>visually (1)</b> 36:13	19:5;106:10,10; 113:10;119:12 <b>walked (3)</b> 134:16;140:16,19 <b>wall (1)</b> 140:2 <b>Walters (1)</b> 108:3 <b>warning (3)</b> 32:3;36:23,25 <b>warnings (2)</b> 31:21,22 <b>warrant (73)</b> 20:14;21:23;22:12; 23:3,6,16;24:4,25;12,14; 26:9,13;27:8;28:7,8,9; 31:2,25;39:12;43:9,12, 20;44:20,52;10,16;53:9; 55:24;59:20;61:22; 62:20;64:6,10;66:8; 67:15;68:2,11,13;74:8; 78:23;79:23;80:1,4; 86:23;91:18;92:2,10,11, 15,19;93:2,5,9,20,22; 94:1;95:19;96:13,22; 97:1,3,9,18;98:8;101:6; 108:2,16;113:6;116:6; 141:11;142:7;143:16; 161:16,23;162:1 <b>warrant' (3)</b> 105:24;108:18;109:13 <b>warrants (9)</b> 23:9,11;24:9;30:15, 16;41:8;45:15;46:8,9 <b>Warren (1)</b> 9:17 <b>water (1)</b> 162:10 <b>way (11)</b> 12:10;26:15;36:19; 77:16;81:18;86:5;87:14; 94:25;101:8;124:21; 152:5 <b>ways (2)</b> 18:15;149:10 <b>weapon (5)</b> 120:20,21;130:13,16; 132:2 <b>week (2)</b> 150:12;151:8 <b>weekly (1)</b> 44:25 <b>weigh (1)</b> 44:5 <b>weighed (1)</b> 165:10 <b>weight (2)</b> 164:23;165:12 <b>weights (2)</b> 163:18;165:7 <b>welcome (1)</b> 161:14 <b>weren't (2)</b>	111:9;112:15 <b>WESTBY (143)</b> 7:2;16:21;17:12,23; 19:5,16,19,21;21:6; 23:17,22;29:5,9,18;32:2, 21;33:12;34:20;35:3,10, 13;37:13,23;38:19; 39:14;41:11;42:6;43:16; 44:2,11;46:1;48:10,14; 49:3,13;51:14,21,24; 54:1;58:24;62:6,10,21; 64:11,14;66:9,21;67:4, 17;68:15;70:18;71:4; 72:7,20;73:4;76:24; 77:23;78:10,20;79:9,20; 81:8,10;82:5;83:13; 84:13;86:17,25;88:5,8; 89:5;90:14;94:10;96:3, 9,100:1,24;101:11,24; 102:2;103:20,24;104:2; 105:15;106:10,13,18,22, 25;107:12;110:20,25; 112:2;115:11,16;119:12, 17,25;120:15;121:2,10; 122:2;123:8,24;126:13; 127:5,13,19,21;128:1; 131:7;132:7;133:5; 135:2,13;136:9;137:21; 139:19;141:8;144:14; 145:5;146:12,15; 148:19;149:1;150:17; 151:20;153:4;155:13, 15;157:15;158:3; 160:11,17,21;162:21; 164:3,12,20,25;165:2, 17;166:1 <b>What's (3)</b> 35:3;94:10;153:4 <b>Whoa (1)</b> 164:13 <b>whole (4)</b> 81:19;132:13,15; 160:21 <b>who's (1)</b> 144:21 <b>willing (1)</b> 16:18 <b>window (14)</b> 108:21;109:12,19,20, 22;110:7,10;111:4,23; 114:13;125:8;147:2; 149:6;159:9 <b>windows (5)</b> 88:23;89:1,15;100:20; 109:17 <b>within (6)</b> 34:18;93:6;115:14; 124:7;126:24;135:24 <b>without (2)</b> 81:7;86:8 <b>Witness (98)</b> 11:14;17:13,25;19:23; 21:9;23:23;29:8,10;
<b>U</b>	<b>V</b>	<b>W</b>		
<b>unable (4)</b> 79:5;17;80:2;112:13 <b>uncalled (3)</b> 63:7,10,11 <b>under (7)</b> 12:17;32:24;50:16; 61:25;84:10;125:8; 157:5 <b>underage (3)</b> 26:14;27:4;28:5 <b>understood (4)</b> 49:4;106:8;111:22; 145:16 <b>undertake (1)</b> 57:9 <b>unit (1)</b> 29:3 <b>unknown (1)</b> 164:23 <b>unless (2)</b> 5:14;148:3 <b>unmarked (1)</b>	<b>valid (1)</b> 84:16 <b>various (1)</b> 98:20 <b>vehicle (17)</b> 53:17,17;142:15,21; 143:8,10,11,12,14,15,17, 18,20,21,24;144:1,3 <b>vehicles (16)</b> 52:17,19,22,23;53:1,4, 7,13;140:12,20,22; 142:4,5,6,19,22 <b>verbatim (3)</b> 61:18;132:22;133:1 <b>verify (7)</b> 57:10;77:16;79:6,17; 80:2,5,6 <b>vicinity (1)</b> 133:21 <b>view (2)</b>	<b>Wachsmuth (97)</b> 21:7;31:2,25;41:7; 49:6;51:2;53:13;55:10; 56:13,25;62:18;64:9; 65:25;66:8,17;67:14; 68:1;73:18;74:4,16; 77:19;78:17;79:7;84:11; 85:3,23;86:3,14;87:7,11, 12;90:6;91:3;93:12,25; 95:8,23;97:7;99:13; 100:13,18,22;101:10,15, 22;102:8,10,13;104:1, 10,22;106:9;107:17; 114:16;115:22;120:12, 12;124:12;126:24; 130:3,6,11,14;131:1,17, 20;132:3,6;133:4,11,15; 134:15,16;135:17,20; 136:16,21;138:4,12; 139:2,14,23;140:14,16, 19;141:6;144:11;146:6; 147:5,7;152:13;155:22; 157:12;158:18;165:8, 23;166:8 <b>Wachsmuth's (15)</b> 52:17;56:16,18,19; 75:18;77:22;79:18;89:3; 95:9;99:14,15,22; 116:15,19;143:21 <b>Wait (5)</b>		

Tricia Wachsmuth v.  
City of Powell, et al.

Chad Miner  
October 6, 2010

32:3,25;35:14;37:16;  
38:20;39:18;41:12;42:7;  
43:19;44:3,12;46:4;  
48:14;49:20;54:4;57:19;  
58:25;62:9,24;64:15;  
66:11,22;67:5,19;70:21;  
71:7;72:23;73:7;78:1,  
13,21;79:14,22;81:9;  
83:15;84:14;87:1;88:7,  
9;89:8;94:14;96:4,10;  
100:4;101:1,14;102:3;  
104:3;105:16;106:11,  
24;107:1,13;111:1;  
113:23;115:19;119:18;  
120:3,18;121:4,12;  
122:5;123:11;124:1;  
126:14;127:6;128:2;  
131:11;132:10;135:3,  
16;136:11;141:10;  
146:17;148:20;149:2;  
150:18;151:1,3;157:18;  
160:14,18,20,23;164:5,  
13,19;165:1,18;166:2

**witnesses (1)**  
127:22

**WLEA (1)**  
119:19

**woman (1)**  
76:21

**word (2)**  
107:6;146:15

**words (7)**  
22:9;89:4;90:10;  
92:12;104:18;110:22;  
132:20

**work (5)**  
6:7,9;9:8,17;49:11

**worked (7)**  
9:12,14;30:9,10;41:3;  
42:13;117:21

**working (3)**  
9:20;40:25;58:8

**works (1)**  
23:4

**write (2)**  
129:6;160:18

**wrong (2)**  
33:5;68:20

**Wyoming (10)**  
13:23,24;29:25;40:18;  
50:16;52:11;62:13;  
72:14;73:13;85:24

**Y**

**yard (2)**  
109:15;114:2

**year (10)**  
8:21;9:2,10,13,20;  
10:16,23,24,25;13:6

**year-and-a-half (1)**  
43:24

**years (5)**

25:1,3,4;39:11;124:5  
**Yep (1)**  
32:9  
**young (4)**  
38:15;141:7;145:3,7  
**younger (1)**  
145:15

WACHSMUTH V. CITY OF  
POWELL CV 10-041J  
PLAINTIFF'S EXHIBIT  
# 7



TO ONLY BE USED BY LAW ENFORCEMENT, CORRECTIONS, OR MILITARY PERSONNEL WHO HAVE SUCCESSFULLY COMPLETED A TRAINING PROGRAM IN THE USE OF DISTRACTION DEVICES.

**15 GRAM  
#25 TACTICAL DISTRACTION DEVICE**

**WARNING:**

1. Do not attempt to reload or remove the charge.
2. Do not use in any manner if the device has been subject to poor storage conditions or stored longer than five (5) years from date of manufacture.
3. **DO NOT** attempt to launch from a handgun, shotgun or any weapon. This device is **NOT LAUNCHABLE**.

**INSTRUCTIONS FOR USE:**

1. Hold device with fuze lever in web of hand, with the pull ring facing the officer.
2. Straighten the pull pin, leaving only a small "V" of bend.
3. While continuing to hold the fuze lever against the body of the device, remove the pull pin. Retain the pull pin.
4. Throw the device in an underhand manner into an observed area free of personnel, loose debris and ignitable materials.
5. **DO NOT HOLD DEVICE AFTER RELEASE OF FUZE LEVER.**

**RENDERING SAFE PROCEDURES:**

1. Allow 30 minutes cool-down period.
2. Approach device from side, remove fuze tabs with knife or screwdriver.
3. Deposit device into container of water.
4. Allow 24-hour soaking period.
5. Dispose of contents.

**CAUTION:**

Defense Technology/Federal Laboratories guarantees the exercise of reasonable care in manufacture, but in view of the inherently hazardous nature of this device no further guarantee or warranty is made and no further responsibility is assumed.

**STORAGE:**

Store in a cool dry place. Keep away from flame. Store in packaging provided until ready to use. Store in a cool dry area not to exceed 90°F (32°C).

Part # 700108

Made in U.S.A.



**DEFENSE TECHNOLOGY  
FEDERAL LABORATORIES**

RESEARCH AND DEVELOPMENT  
10000 Rockledge Drive, Suite 200, Rockledge, FL 32955

WACHSMUTH V. CITY OF  
POWELL- CV 10-041J  
PLA NTIFF'S EXHIBIT  
# **13**

**IN THE CIRCUIT COURT, FIFTH JUDICIAL DISTRICT  
PARK COUNTY, WYOMING (POWELL)**

**STATE OF WYOMING**

*Plaintiff,*

*vs.*

**A WHITE CADILLAC, BEARING  
WYOMING LICENSE PLATE  
1182AS, REGISTERED TO BRETT  
AND/OR TRISHA WACHSMUTH;  
A 1999 TAN CHEVROLET SUV,  
BEARING WYOMING LICENSE  
PLATE 1159BL, REGISTERED TO  
BRETT AND/OR TRISHA WACHSMUTH;  
A 1993 BLUE FORD RANGER, BEARING  
WYOMING LICENSE PLATE 11809T,  
REGISTERED TO BRETT AND/OR  
TRISHA WACHSMUTH; AND A GRAY  
SINGLE FAMILY RESIDENCE,  
WITH WHITE TRIM AND BROWN  
ROOF, AND UNATTACHED TAN GARAGE  
WITH BROWN ROOF AND WOOD TRIM,  
LOCATED AT 870 EAST NORTH  
STREET IN POWELL, PARK COUNTY,  
WYOMING,**

*Defendant.*

Criminal Docket No.

**SEARCH AND SEIZURE AFFIDAVIT**

**THE UNDERSIGNED**, being of lawful age, and being first duly sworn upon oath,  
deposes and states as follows:

1. I, Chad Miner, have personal knowledge of the matters set forth herein, upon information and belief.
2. I am employed as a Police Officer with the Powell, Wyoming Police Department.
3. Your Affiant is a certified peace officer in the State of Wyoming. Your Affiant has prior training and experience in the investigation, arrest and prosecution of the violations of controlled substances under Wyoming Statutes. Your Affiant has communicated with Lieutenant Dave Patterson of the Park County Sheriff's Office who has extensive training and knowledge regarding controlled substances. From Lieutenant Patterson, I have learned the following: Lieutenant Patterson has attended the basic and advanced narcotics

00095



investigations taught through the Washington State Criminal Justice Training Center for a total of 160 hours. Lieutenant Patterson also attended the advanced undercover operations course in Glynnco, Georgia for a total of 80 hours. Lieutenant Patterson has investigated approximately fifty (50) marihuana grow operations over the course of six years of narcotics investigation assignments in Washington State. Specially related to marihuana grow operations, it is common that most operations are ongoing. The specific life cycle of a growing marihuana plant is approximately ninety days from its starting stage to the point where it's capable of producing marihuana in a usable fashion in the drug community for cultivation. It is common in marihuana grow operations to have various plant stages from mature and budding to currently non-budding to starters or clones. It is common that growers will clone from an original plant and repeat this cycle. At other times, it is also common to start a marihuana grow, if not from clones, but from seeds. Due to the nature of a marihuana grow, it is not uncommon to find these various stages at any given time of the operation.

Your Affiant knows through my training and experience that people who grow marihuana commonly have in their possession seeds, packaging materials, pots, containers, lamps, heat sources, plants, leaves, stems, plant food, receipts, computers, marihuana grow books, controlled substances, paraphernalia, needles, bongs, rolling papers, scales and weapons, namely firearms and ammunition. Persons who grow and/or sell controlled substances have firearms to protect themselves, their products and to intimidate others. Additional equipment used in marihuana grows are items such as halogen lights, lights, ballasts, power strips, fertilizers, potting soils, books, cellular telephones and all information contained therein, including records of all calls sent and received, directories or address books;

Your Affiant knows through his training and experience that persons who sell controlled substances commonly keep ledgers, directories and/or address books of people they receive controlled substances from and their customers. Furthermore, these individuals deal primarily in U.S. currency when selling to their customers and frequently keep that U.S. currency hidden. They typically have in their possession and hidden in vehicles and

residences scales and packing materials to prepare those controlled substances for sale. They also typically carry and possess firearms and ammunition in their homes, vehicles and during transactions.

4. I believe that in the vehicles described as a white Cadillac, bearing Wyoming license plate 1182AS, registered to Brett and/or Trisha Wachsmuth; a 1999 tan Chevrolet SUV, bearing Wyoming license plate 1159BL, registered to Brett and/or Trisha Wachsmuth; a 1993 blue Ford Ranger, bearing Wyoming license plate 11809T, registered to Brett and/or Trisha Wachsmuth; and the residence described as a gray single family residence, with white trim and brown roof, and the unattached tan garage with brown roof and wood trim, located at 870 East North Street in Powell, Park County, Wyoming, there is now being concealed certain evidence of a crime, namely: seeds, packaging materials, pots, containers, lamps, heat sources, plants, leaves, stems, plant food, receipts, computers, controlled substances, paraphernalia, bongs, rolling papers, scales, halogen lights, ballasts, power strips, fertilizers, potting soils, ledgers, directories and/or address books, U.S. currency, financial ledgers or records, monies that may relate to drug sales, cellular and/or land line telephones and all information contained therein, including records of all calls sent and received, directories or address books; in violation of Wyoming State Statute §35-7-1031.

On February 24, 2009, I spoke with a Confidential Informant (hereafter referred to as CI) and learned the following: CI previously lived at 870 East North Street in Powell, Park County, Wyoming, with Bret and Trisha Wachsmuth from December of 2008 to January of 2009. The CI also has knowledge that the Wachsmuths purchased marihuana seeds and began a growing operation in the basement of this house in December of 2008. During December of 2008, CI discovered approximately six marihuana plants that were approximately six inches tall in the basement of the residence.

In January of 2009, CI had knowledge that the Wachsmuths purchased marihuana growing containers, machines and paraphernalia off of the internet via the desktop computer in the kitchen of the residence. These items were purchased in late December of 2008 or early January of 2009, and shipped via United Parcel Service to the residence

00097

located at 870 East North Street. CI stated that Brett Wachsmuth carried the old equipment out into his garage for storage. CI stated that Brett and Trisha Wachsmuth also keep potting soil in the garage.

The CI stated that the Wachsmuths received controlled substances in pill form, mostly oxycodone and morphine from the mail from Trisha Wachsmuth's mother, who has cancer and is prescribed these substances. The prescription drugs are shipped in a latex glove concealed inside of a stuffed animal. The Wachsmuths would take these controlled substances, either by crushing the pills and snorting them or by injecting the controlled substances with needles. The controlled substances were generally kept in Brett Wachsmuth's night table in their bedroom. The CI also stated that he has smoked marihuana with both Brett and Trisha Wachsmuth on numerous occasions during his stay in the residence. The CI stated that when he first moved into the residence, he noticed an already harvested marihuana plant. Brett Wachsmuth has talked with the CI about growing marihuana, including the appropriate light cycle and watering times of plants.

Your Affiant knows through my training and experience regarding the growing, manufacturing and distributing of controlled substances that often times, firearms are possessed and used by the individuals who grow, manufacture or distribute the controlled substances. The CI also stated that Brett and Trisha Wachsmuth have numerous firearms in the residence, including handguns and rifles. Many of the firearms were kept in the chest at the foot of the Wachsmuth's bed in their bedroom.

CI stated that Brett and Trisha Wachsmuth generally carries a one-hitter marihuana pipe in a dugout with her. CI also stated that Brett Wachsmuth at times carries a .22 caliber pistol concealed on his person.

which may be brought in this matter.

**DATED** February \_\_\_\_, 2009.

\_\_\_\_\_  
Chad Miner

The above and foregoing Search and Seizure Affidavit was sworn to and signed  
before me personally by the above-named Affiant on February \_\_\_\_, 2009.

\_\_\_\_\_  
**CIRCUIT COURT JUDGE**

WACHSMUTH V. CITY OF  
POWELL - CV 10-041J  
PLAINTIFF'S EXHIBIT  
# **14**

**IN THE CIRCUIT COURT, FIFTH JUDICIAL DISTRICT  
PARK COUNTY, WYOMING (POWELL)**

**STATE OF WYOMING**

Plaintiff,

**FILED**

**Bret Wachsmuth  
D.O.B 12-6-81  
S.S.N. 472-13-1471**

MAR 02 2009

Defendant.

CIRCUIT COURT OF FIFTH JUDICIAL DISTRICT  
PARK COUNTY, WYOMING  
Peggy Farmer, Clerk  
By: DEBORAH A. STAMBAUGH Deputy

**AFFIDAVIT OF PROBABLE CAUSE**

THE UNDERSIGNED OF LAWFUL AGE, BEING FIRST DULY SWORN,  
UPON OATH, STATES AND ALLEGES AS FOLLOWS:

1. I, Chad Miner am a Law Enforcement Officer employed by the Powell Police Department
2. On 2-24-09, at approximately 2200 hours, I arrested the above-named Defendant for 35-7-1031 c-i-A possession of marijuana and 35-7-1040 cultivation of marijuana.
3. The offense occurred at 870 E North St., which is located in Powell, Park County, State of Wyoming.
4. The following describes the probable cause I used to effect the arrest of Bret Wachsmuth, the Defendant.

**Probable Cause Statement:**

Lt. Dave Patterson of the Park County Sheriff's Office, Deputy County Attorney Jonathan Davis and I met with an interviewed CI-2009-02 at the Park County Attorney's Office in Powell at approximately 1600 hrs 2-24-09. During the interview I learned substantially the following:

CI-2009-02 stated that he had knowledge of an active marijuana grow operation in Powell, Park County, Wyoming. CI-2009-02 lived at 870 E. North with Bret and Tricia Wachsmuth from December 2008 thru January 2009. During this time CI-2009-02 observed a marijuana plant that had recently been harvested of it "Buds" and was down to a bare stalk. CI-2009-02 said that Bret was unable to clone the harvested plant. Bret had some fluorescent light for growing. Bret and Tricia then obtained credit cards and began purchasing marijuana growing equipment and seeds from the Internet in late December 2008 or early January 2009. CI-2009-02 signed for the equipment when UPS dropped it off. Bret had ordered a timer, light, and seed from the Internet. Bret frequently talked to CI-2009-02 about growing marijuana and how he'd grown marijuana when he lived in Minnesota. Bret researched growing methods and techniques on the Internet and possessed marijuana growing guidebooks. CI-2009-02 described the plants as being downstairs and underneath the stairs in a painted white room. CI-2009-02 stated that the door to the downstairs has a dead bolt lock and Bret and Tricia don't let anyone downstairs. CI-2009-02 further described the growing room as having a sodium light, fan and timer to turn the light on at the appropriate time and painted white. CI-2009-02 described the plants as being approximately 6 inches tall in the first week of January 2009. I know through my training and experiences that most grow operations are

00137

continuous and ongoing. The typical life cycle of a plant is approximately 90 days from start to the initial harvest of product.

CI-2009-02 further stated that Tricia and Bret have numerous prescription pills in the house. Bret currently takes many medications and has prescriptions for them however CI-2009-02 knows that Tricia's mother sends prescription pills to Tricia from Minnesota namely Oxycontin and Morphine. CI-2009-02 has knowledge of two such deliveries. CI-2009-02 stated that Tricia's mother packages the pills inside a latex glove and then inserts them into a cut open stuffed animal. These pills arrive in large prescription bottles approximately 100 at a time. Bret and Tricia crushed and snorted the pills or sometimes injected them.

CI-2009-02 has smoked marijuana with Tricia and Bret frequently up until approximately 1 month ago. CI-2009-02 left the residence after being kicked out. CI-2009-02 had brought some friends home from the bar and Bret had the new growing plants sitting on the kitchen table. The friends saw the marijuana plants on the table, which is why CI-2009-02 was kicked out of the house.

CI-2009-02 stated that Bret has several guns in the house and he keeps his handguns loaded. Bret sometimes carries a small 22-caliber pistol.

CI-2009-02 had contact with an acquaintance of his approximately 1 week ago and was told that Bret and Tricia still had the marijuana plants and they were approximately two feet tall.

CI-2009-02 was in phone contact with Bret on 2-24-09. During these conversations that CI-2009-02 stated to Bret that he was going to turn him into the Police.

A search warrant was prepared and presented to the Honorable Judge Bruce Waters. Judge Waters signed the search and seizure warrant. Myself along with several Officers from the Powell Police department executed said search warrant at approximately 2116 hrs. on 2-24-09. Officer Chapman knocked on the front door and announced "Police Search Warrant". I opened the front door using a ram at the same time as Officer McCaslin deployed a diversionary device in the northeast bedroom window. The Officers entered the residence and found one occupant in the front living room that was identified as Tricia Wachsmuth. I placed Tricia in handcuffs checking them for tightness and double locking them. Tricia was provided a coat and shoes and transported to the PD where Investigator Brown interviewed her. There were no other occupants in the house at the time the search warrant was executed.

A search of the residence of 870 E North St. including the garage and blue Ford pickup was conducted by Officers Chapman, McCaslin, Brown, Lara, Kent, Brilakis, Bradley, Hall and myself. There was one semi-automatic pistol laying in the hallway, two revolvers loaded in the master bedroom one laying on the bed and the other hope chest, and one unloaded 9mm semi-automatic pistol in the night stand on the north side of the bed in the north bedroom. In the basement underneath the stairs there was located two marijuana plants underneath a light with a fan blowing on them. The growing room was painted white. The basement smelled strongly of raw marijuana. There were also several fluorescent lights in the basement that were not currently being used. There were numerous grow logs and marijuana growing guidebooks located in the house. There were numerous prescription pill bottles found throughout the house, some having marijuana residue in them and some having pills. Underneath the bed in the north bedroom there were three containers that contained marijuana, seeds, residue and paraphernalia. Pictures of Bret with large amounts of marijuana plants were located in the north bedroom and other pictures with Bret and marijuana. Numerous other paraphernalia, growing lights and other items used for growing marijuana plants were found. There was loose marijuana on the coffee table in the living room. All of these items and others were collected as evidence.

I was informed that Bret was currently located at 524 Rd. 7. Sgt Chretien, Sgt. Eckerdt and Officer Danzer met with Bret there and placed him in custody. Bret was interviewed by investigator Brown see his narrative.

On Tuesday, February 24, 2009, SRO Bradley and Investigator Brown interviewed Tricia Wachsmuth at the LEC. During the interview, Wachsmuth stated substantially as follows:

On Tuesday, February 24, 2009, Sgt Eckerdt and Investigator Brown interviewed Bret Wachsmuth at the LEC. During the interview, Wachsmuth stated substantially as follows:

Wachsmuth lives at 870 E. North Street, Powell, Wyoming with his wife, Tricia Wachsmuth. He was informed why we needed to talk with him. Wachsmuth stated that



WACHSMUTH V. CITY OF  
POWELL - CV 10-041J  
PLAINTIFF'S EXHIBIT  
# 15

**IN THE CIRCUIT COURT, FIFTH JUDICIAL DISTRICT  
PARK COUNTY, WYOMING (POWELL)**

**STATE OF WYOMING**

**Plaintiff,**

**FILED**

**Tricia Wachsmuth  
D.O.B 8-19-84  
S.S.N. 477-06-8104**

MAR 02 2009

**Defendant.**

CIRCUIT COURT OF FIFTH JUDICIAL DISTRICT  
PARK COUNTY, WYOMING  
Peggy Farnam, Clerk  
By DEBORAH A. STAMELUGH Deputy

\* \* \*

**AFFIDAVIT OF PROBABLE CAUSE**

THE UNDERSIGNED OF LAWFUL AGE, BEING FIRST DULY SWORN,  
UPON OATH, STATES AND ALLEGES AS FOLLOWS:

1. I, Chad Miner am a Law Enforcement Officer employed by the Powell Police Department
2. On 2-24-09, at approximately 2130 hours, I arrested the above-named Defendant for 35-7-1031 c-i-A possession of marijuana and 35-7-1040 cultivating marijuana.
3. The offense occurred at 870 E. North St., which is located in Powell, Park County, State of Wyoming.
4. The following describes the probable cause I used to effect the arrest of Tricia Wachsmuth, the Defendant.

**Probable Cause Statement:**

Lt. Dave Patterson of the Park County Sheriff's Office, Deputy County Attorney Jonathan Davis and I met with an interviewed CI-2009-02 at the Park County Attorney's Office in Powell at approximately 1600 hrs 2-24-09. During the interview I learned substantially the following:

CI-2009-02 stated that he had knowledge of an active marijuana grow operation in Powell, Park County, Wyoming. CI-2009-02 lived at 870 E. North with Bret and Tricia Wachsmuth from December 2008 thru January 2009. During this time CI-2009-02 observed a marijuana plant that had recently been harvested of it "Buds" and was down to a bare stalk. CI-2009-02 said that Bret was unable to clone the harvested plant. Bret had some fluorescent light for growing. Bret and Tricia then obtained credit cards and began purchasing marijuana growing equipment and seeds from the Internet in late December 2008 or early January 2009. CI-2009-02 signed for the equipment when UPS dropped it off. Bret had ordered a timer, light, and seed from the Internet. Bret frequently talked to CI-2009-02 about growing marijuana and how he'd grown marijuana when he lived in Minnesota. Bret researched growing methods and techniques on the Internet and possessed marijuana growing guidebooks. CI-2009-02 described the plants as being downstairs and underneath the stairs in a painted white room. CI-2009-02 stated that the door to the downstairs has a dead bolt lock and Bret and Tricia don't let anyone downstairs. CI-2009-02 further described the growing room as having a sodium light, fan and timer to turn the light on at the appropriate time and painted white. CI-2009-02 described the plants as being approximately 6 inches tall in the first week of January 2009. I know through my training and experiences that most grow operations are

00147



continuous and ongoing. The typical life cycle of a plant is approximately 90 days from start the initial harvest of product.

CI-2009-02 further stated that Tricia and Bret have numerous prescription pills in the house. Bret currently takes many medications and has prescriptions for them however CI-2009-02 knows that Tricia's mother sends prescription pills to Tricia from Minnesota namely Oxycontin and Morphine. CI-2009-02 has knowledge of two such deliveries. CI-2009-02 stated that Tricia's mother packages the pills inside a latex glove and then inserts them into a cut open stuffed animal. These pills arrive in large prescription bottles approximately 100 at a time. Bret and Tricia crushed and snorted the pills or sometimes inject them.

CI-2009-02 has smoked marijuana with Tricia and Bret frequently up until approximately 1 month ago. CI-2009-02 left the residence after being kicked out. CI-2009-02 had brought some friends home from the bar and Bret had the new growing plants sitting on the kitchen table. The friends saw the marijuana plants on the table, which is why CI-2009-02 was kicked out of the house.

CI-2009-02 stated that Bret has several guns in the house and he keeps his handguns loaded. Bret sometimes carries a small 22-caliber pistol.

CI-2009-02 had contact with an acquaintance of his approximately 1 week ago and was told that Bret and Tricia still had the marijuana plants and they were approximately two feet tall.

CI-2009-02 was in phone contact with Bret on 2-24-09. During these conversations that CI-2009-02 stated to Bret that he was going to turn him into the Police.

A search warrant was prepared and presented to the Honorable Judge Bruce Waters. Judge Waters signed the search and seizure warrant. Myself along with several Officers from the Powell Police department executed said search warrant at approximately 2116 hrs. on 2-24-09. Officer Chapman knocked on the front door and announced "Police Search Warrant". I opened the front door using a ram at the same time as Officer McCaslin deployed a diversionary device in the northeast bedroom window. The Officers entered the residence and found one occupant in the front living room that was identified as Tricia Wachsmuth. I placed Tricia in handcuffs checking them for tightness and double locking them. Tricia was provided a coat and shoes and transported to the PD where Investigator Brown interviewed her. There were no other occupants in the house at the time the search warrant was executed.

A search of the residence of 870 E North St. including the garage and blue Ford pickup was conducted by Officers Chapman, McCaslin, Brown, Lara, Kent, Brilakis, Bradley, Hall and myself. There was one semi-automatic pistol laying in the hallway, two revolvers loaded in the master bedroom one laying on the bed and the other hope chest, and one unloaded 9mm semi-automatic pistol in the night stand on the north side of the bed in the north bedroom. In the basement underneath the stairs there was located two marijuana plants underneath a light with a fan blowing on them. The growing room was painted white. The basement smelled strongly of raw marijuana. There were also several fluorescent lights in the basement that were not currently being used. There were numerous grow logs and marijuana growing guidebooks located in the house. There were numerous prescription pill bottles found throughout the house, some having marijuana residue in them and some having pills. Underneath the bed in the north bedroom there were three containers that contained marijuana, seeds, residue and paraphernalia. Pictures of Bret with large amounts of marijuana plants were located in the north bedroom and other pictures with Bret and marijuana. Numerous other paraphernalia, growing lights and other items used for growing marijuana plants were found. There was loose marijuana on the coffee table in the living room. All of these items and others were collected as evidence.

I was informed that Bret was currently located at 524 Rd. 7. Sgt Chretien, Sgt. Eckerd and Officer Danzer met with Bret there and placed him in custody. Bret was interviewed by investigator Brown see his narrative.

On Tuesday, February 24, 2009, SRO Bradley and Investigator Brown interviewed Tricia Wachsmuth at the LEC. During the interview, Wachsmuth stated substantially as follows:

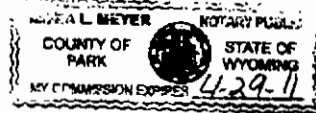
She was given her Rights per Miranda and talked with us. She lives at 870 E. North Street, Powell Wyoming with her husband, Bret Wachsmuth. She was informed of why she was being interviewed. She denied any pills being sent to her. She also stated that the plants that were in the residence were for personal use.

Wachsmuth stated that she did not want to answer any more questions until she talk with her husband.

5. The foregoing statement is accurate to the best information available to me as of the date of this affidavit. Investigation of the matter may not be completed and the foregoing is not to be construed as a statement of all information pertinent to the charge(s) which is/are brought in this matter.


  
Officer Chad Miner

STATE of WYOMING }  
COUNTY OF PARK } SS



The foregoing Affidavit of Probable Cause was signed and sworn to before me by Chad Miner on Feb 25, 2009.

Witness my hand and official seal.

  
Notary Public



## POWELL POLICE DEPARTMENT

## CAD INCIDENT REPORT

090224086

WACHSMUTH V. CITY OF  
POWELL- CV 10-0411J

PLAINTIFF'S EXHIBIT

# 19

Location 870 E NORTH ST				Cross Streets S HAMILTON ST/S INGAL			City PO	
Incident Type DRUGS - DRUG RELATED				Call Taker TORCZON, MARISSA			Dispatcher TORCZON, MARISSA	
Date 02/24/2009	Priority 3	Primary Unit P04	Beat P	Fire Zone	Area 76	Map	Source TELEPHONE CALL	
Caller Name				Caller Address				Caller Phone
Dispositions See Report, See Case, See Case				Weapon		Aim Level		Case Number 09-223
Vehicles				Associated Incidents				
Incident Times		Special Circumstances						
Received 14:58:34								
Created 14:59:00								
Dispatched 15:01:09								
En Route 15:01:09								
On Scene 15:01:12								
Closed 01:12:00								
Rcvd-Closed 10:13:26								
Persons Wachsmuth, Tricia Lynn		Sex F	DOB 08/19/1984	Race White	DL 108038-704/WY	SSN 477068104		
Unit Times	Officer	Dispatched	Enroute	On Scene	Clear	Disp-On Scene	On Scene-Clear	Disp-Clear
P09	Miner, Chad	15:01:09	15:01:09	15:01:12	23:58:59	00:03	8:57:47	8:57:50
P08	Blackmore, Lee	19:22:16	19:22:16	19:22:16	22:00:03		2:37:47	2:37:47
MS113	Crew	21:11:38	21:11:38	21:19:45	21:56:53	08:07	37:08	45:15
P02	Brilakis, Matthew	21:12:30	21:12:30	21:16:48	21:59:25	04:18	42:37	46:55
P03	Bradley, Cody	21:12:48	21:12:48	21:16:50	23:52:16	04:02	2:35:26	2:39:28
P04	Brown, Dave	21:12:51	21:12:51	21:16:52	23:57:38	04:01	2:40:46	2:44:47
P05	Lara, Brett	21:12:56	21:12:56	21:16:54	23:51:20	03:58	2:34:26	2:38:24
P06	Chretien, Michael	21:12:58	21:12:58	21:16:57	23:59:52	03:59	2:42:55	2:46:54
P10	Eckerd, Roy	21:13:01	21:13:01	21:17:02	23:59:48	04:01	2:42:46	2:46:47
P14	Kent, Alan	21:13:04	21:13:04	21:17:04	00:00:00	04:00	2:42:56	2:46:56
P15	Danzer, Matthew	21:13:05	21:13:05	21:17:06	23:24:43	04:01	2:07:37	2:11:38
P16	McCaslin, Matt	21:13:07	21:13:07	21:17:08	00:00:05	04:01	2:42:57	2:46:58
P17	Hall, Michael	21:13:10	21:13:10	21:17:11	23:52:24	04:01	2:35:13	2:39:14
P18	Chapman, Kirk	21:13:13	21:13:13	21:17:13	23:58:54	04:00	2:41:41	2:45:41
P08	Blackmore, Lee	22:15:48	22:15:48	22:15:49	23:12:12	00:01	56:23	56:24
P08	Blackmore, Lee	23:12:31	23:12:31		00:02:45	N/A	N/A	50:14
P15	Danzer, Matthew	23:26:43	23:26:43	00:40:58	00:42:28	1:14:15	01:30	1:15:45
P03	Bradley, Cody	00:01:40	00:01:40	00:01:44	00:25:51	00:04	24:07	24:11
P04	Brown, Dave	00:01:48	00:01:48	00:01:51	00:02:16	00:03	00:25	00:28
P05	Lara, Brett	00:01:54	00:01:54	00:01:57	00:25:54	00:03	23:57	24:00
P06	Chretien, Michael	00:02:02	00:02:02	00:02:05	00:49:46	00:03	47:41	47:44
P09	Miner, Chad	00:02:55	00:02:55	00:02:58	00:28:29	00:03	25:31	25:34
P10	Eckerd, Roy	00:03:01	00:03:01	00:03:05	00:08:19	00:04	05:14	05:18
P14	Kent, Alan	00:03:07	00:03:07	00:03:10	00:41:16	00:03	38:06	38:09
P16	McCaslin, Matt	00:03:16	00:03:16	00:03:19	01:11:57	00:03	1:08:38	1:08:41
P17	Hall, Michael	00:03:23	00:03:23	00:03:27	00:10:19	00:04	06:52	06:56
P18	Chapman, Kirk	00:03:29	00:03:29	00:03:32	01:12:00	00:03	1:08:28	1:08:31
P09	Miner, Chad	08:33:55	08:33:55	08:34:00	15:45:50	00:05	7:11:50	7:11:55
P18	Chapman, Kirk	08:43:55	08:43:55	08:44:01	09:05:03	00:06	21:02	21:08
P18	Chapman, Kirk	09:41:08	09:41:08	09:41:08	10:24:17		43:09	43:09
P08	Blackmore, Lee	14:13:57	14:13:57	14:14:02	14:35:31	00:05	21:29	21:34
P05	Lara, Brett	14:53:55	14:53:55	14:54:01	15:41:32	00:06	47:31	47:37
P15	Danzer, Matthew	17:49:16	17:49:16	17:49:24	18:32:24	00:08	43:00	43:08
P09	Miner, Chad	04:07:18	04:07:18	04:07:26	06:40:18	00:08	2:32:52	2:33:00
P09	Miner, Chad	05:23:49	05:23:49	05:25:10	06:07:44	01:21	42:34	43:55
P18	Chapman, Kirk	14:46:59	14:46:59	14:47:07	14:52:16	00:08	05:09	05:17
P09	Miner, Chad	22:13:08	22:13:08	22:13:15	23:17:22	00:07	1:04:07	1:04:14
P09	Miner, Chad	00:04:39	00:04:39	00:04:51	00:49:16	00:12	44:25	44:37
P09	Miner, Chad	01:41:02	01:41:02	01:41:10	06:19:17	00:08	4:38:07	4:38:15
P04	Brown, Dave	09:44:23	09:44:23	09:44:28	11:04:20	00:05	1:19:52	1:19:57
P04	Brown, Dave	11:38:52	11:38:52	11:38:52	11:54:01		15:09	15:09

00001

Unit	Officer	Dispatched	Enroute	On Scene	Clear	Disp-On Scene	On Scene-Clear	Disp-Clear
P15	Danzer, Matthew	16:52:25	16:52:25	16:52:25	23:37:32		6:45:07	6:45:07
P09	Miner, Chad	03:13:58	03:13:58	03:14:03	05:24:24	00:05	2:10:21	2:10:26
P04	Brown, Dave	10:01:56	10:01:56	10:02:02	12:01:02	00:06	1:59:00	1:59:06
P04	Brown, Dave	13:04:12	13:04:12	13:10:19	13:50:31	06:07	40:12	46:19
P04	Brown, Dave	14:00:27	14:00:27	14:00:33	14:55:57	00:06	55:24	55:30
P05	Lara, Brett	03:24:01	03:24:01	03:24:02	06:12:19	00:01	2:48:17	2:48:18
P09	Miner, Chad	23:23:50	23:23:50	23:23:51	01:21:26	00:01	1:57:35	1:57:36
P09	Miner, Chad	04:06:39	04:06:39	04:06:39	04:41:44		35:05	35:05
P09	Miner, Chad	04:42:21	04:42:21	04:42:22	05:03:21	00:01	20:59	21:00
P05	Lara, Brett	12:17:56	12:17:56	12:18:02	12:53:39	00:06	35:37	35:43
P05	Lara, Brett	13:24:09	13:24:09	13:24:13	13:54:28	00:04	30:15	30:19
P05	Lara, Brett	08:28:22	08:28:22	08:28:30	10:40:47	00:08	2:12:17	2:12:25
P05	Lara, Brett	12:05:23	12:05:23	12:05:27	13:19:58	00:04	1:14:31	1:14:35
P04	Brown, Dave	14:10:20	14:10:20	14:10:21	16:04:22	00:01	1:54:01	1:54:02
P04	Brown, Dave	13:15:19	13:15:19	13:15:20	13:18:03	00:01	02:43	02:44
P04	Brown, Dave	13:53:56	13:53:56	13:54:08	14:16:18	00:12	22:10	22:22
P04	Brown, Dave	09:26:06	09:26:06	09:26:07	10:27:07	00:01	1:01:00	1:01:01
P04	Brown, Dave	09:54:24	09:54:24	09:54:24	12:10:12		2:15:48	2:15:48
P04	Brown, Dave	08:06:54	08:06:54	08:07:12	10:07:37	00:18	2:00:25	2:00:43
P04	Brown, Dave	14:51:28	14:51:28	14:52:38	16:14:56	01:10	1:22:18	1:23:28
P04	Brown, Dave	09:08:24	09:08:24	09:08:30	09:30:05	00:06	21:35	21:41
P04	Brown, Dave	11:00:20	11:00:20	11:00:25	11:44:14	00:05	43:49	43:54
P04	Brown, Dave	08:55:22	08:55:22	08:55:23	11:58:58	00:01	3:03:35	3:03:36
P04	Brown, Dave	10:38:19	10:38:19	10:38:20	11:47:53	00:01	1:09:33	1:09:34
P04	Brown, Dave	09:58:45	09:58:45	10:01:56	11:01:56	N/A	N/A	03:11
P04	Brown, Dave	10:14:08	10:14:08	10:17:45	11:11:17	03:37	53:32	57:09

## Incident Comments

.. Wanted to speak with an Officer regarding people selling drugs from the above location.

TIME	EVENT
14:59:00	Incident initiated at 870 E North St, Powell
15:01:09	P09 ENRT. 870 E North St, Powell
15:01:12	P09 ARRIV. LEC
15:24:44	P09 ENRT. ANNEX
15:28:58	P09 ARRIV. ANNEX
16:10:58	P09 ENRT. 10-6 FOR AWHILE
16:41:26	P09 ARRIV. ANNEX
18:26:19	P09 ENRT.
18:32:17	P09 ARRIV. LEC
18:56:04	P09 ENRT. TO CODY
19:22:16	P08 ENRT. 870 E North St, Powell
19:22:16	P08 ARRIV.
20:18:24	P09 ARRIV. LEC
21:09:58	Powell Ambulance was advised to stage at the fire department. no lights
21:09:58	no sirens. travel on monroe to road 8 from road 8 to south st.
21:11:38	MS113 ENRT. 870 E North St, Powell
21:12:30	P02 ENRT. 870 E North St, Powell
21:12:45	P09 ENRT. 870 E NORTH ST
21:12:48	P03 ENRT. 870 E North St, Powell
21:12:51	P04 ENRT. 870 E North St, Powell
21:12:56	P05 ENRT. 870 E North St, Powell
21:12:58	P06 ENRT. 870 E North St, Powell
21:13:01	P10 ENRT. 870 E North St, Powell
21:13:04	P14 ENRT. 870 E North St, Powell
21:13:05	P15 ENRT. 870 E North St, Powell
21:13:07	P16 ENRT. 870 E North St, Powell
21:13:10	P17 ENRT. 870 E North St, Powell
21:13:13	P18 ENRT. 870 E North St, Powell
21:16:45	P06 Back door team we are headed to the front
21:16:48	P02 ARRIV.
21:16:50	P03 ARRIV.

TIME	EVENT
21:16:52	P04 ARRIV.
21:16:54	P05 ARRIV.
21:16:57	P06 ARRIV.
21:17:00	P09 ARRIV.
21:17:02	P10 ARRIV.
21:17:04	P14 ARRIV.
21:17:06	P15 ARRIV.
21:17:08	P16 ARRIV.
21:17:11	P17 ARRIV.
21:17:13	P18 ARRIV.
21:19:45	MS113 ARRIV. 2118HRS AT THE FIRE HALL
21:21:24	P04 P16
21:21:27	P09 Go ahead
21:21:32	P09 Can you bring a car around
21:21:37	P09 thats what i am doing
21:21:41	P09 copy on with a cage
21:21:44	P09 whats that
21:21:52	P09 perferably one with a cage
21:26:10	P09 p14 did anyone give you a 10-4 yet (negative) were 10-4
21:29:35	P09 p06 (p06) can you let ems know they are clear also we wont need them
21:29:40	P09 anymore (copy)
21:30:38	P09 MS113 was advised they may return to the hospital
21:30:43	MS113 ENRT. HOSP
21:31:04	P09 Danzer, Chretien and Eckerdt running to 524 Road 7 to see if suspects
21:31:35	P09 dad is home. Information received by p36 over px
21:32:11	Suspect may be at his dads house.
21:32:23	P06 ENRT. 524 ROAD 7
21:32:33	P15 ENRT. 524 ROAD 7
21:32:41	P10 ENRT. 524 ROAD 7
21:38:37	P06 advised he said he is going to bring him out.
21:38:53	P06 ARRIV.
21:38:56	P15 ARRIV.
21:38:58	P10 ARRIV.
21:41:18	P03 ENRT. CLEAR WITH ONE FEMALE BEGIN MILES 13221
21:41:22	P04 ARRIV. LEC
21:42:59	P03 ARRIV. LEC END MILES 13222
21:43:22	P14 ARRIV. LEC
21:42:08	P09 Case number PPD 09-273 assigned to 090224086
21:45:30	WACHSMUTH, TRICIA LYNN (08/19/1984) 108038-704/WY added to incident
21:52:18	P10 ENRT. WITH ONE 10-35
21:52:25	P15 ENRT. WITH P10
21:52:41	P06 out at the location 524 road 7 for a bit more
21:56:53	MS113 CLR. Freed
21:59:25	P02 CLR.
21:59:51	P10 ARRIV.
21:59:54	P15 ARRIV.
22:00:03	P08 CLR.
22:07:00	P15 ENRT. 524 ROAD 7
22:07:05	P03 ENRT. 524 ROAD 7
22:15:48	P08 ENRT. 870 E North St, Powell
22:15:49	P08 ARRIV.
22:16:14	P03 ARRIV. 524 ROAD 7
22:16:21	P15 ARRIV. 524 ROAD 7
22:28:40	P03 ENRT.
22:28:44	P15 ENRT.
22:40:57	P06 ARRIV. LEC
22:41:14	P06 ARRIV. 524 ROAD 7

00003

CAD Incident 090224086

Page 4

TIME	EVENT
22:41:21	P03 ARRIV. LEC
22:41:28	P15 ARRIV. LEC
22:50:23	P08 ARRIV. LEC
23:01:57	P03 ARRIV. 870 E NORTH ST
23:12:12	P08 CLR. Freed
23:12:31	P08 ENRT. 870 E North St, Powell
23:12:52	P08 ENRT. TO CODY, 1 FEMALE 10-95, BEGIN MILES 123172
23:19:24	P04 ENRT. 870 E NORTH ST
23:20:17	P04 ARRIV.
23:24:43	P15 CLR. Freed
23:26:43	P15 ENRT. 870 E North St, Powell
23:26:50	P15 ENRT. TO CODY 1 MALE 10-95
23:27:05	P10 ENRT. 870 E NORTH ST
23:34:27	P10 ARRIV.
23:39:06	P08 JAIL. END MILES 23197
23:47:20	P08 ENRT. BACK TO POWELL
23:50:01	P15 JAIL.
23:50:18	P15 ENRT. TO JAIL
23:51:20	P05 CLR.
23:52:05	P15 JAIL.
23:52:16	P03 CLR.
23:52:24	P17 CLR.
23:57:38	P04 CLR.
23:58:54	P18 CLR.
23:58:59	P09 CLR.
23:59:48	P10 CLR.
23:59:52	P06 CLR.
[02/25/2009]	
00:00:00	P14 CLR.
00:00:05	P16 CLR.
00:01:40	P03 ENRT. 870 E North St, Powell
00:01:44	P03 ARRIV. LEC
00:01:48	P04 ENRT. 870 E North St, Powell
00:01:51	P04 ARRIV. LEC
00:01:54	P05 ENRT. 870 E North St, Powell
00:01:57	P05 ARRIV. LEC
00:02:02	P06 ENRT. 870 E North St, Powell
00:02:05	P06 ARRIV.
00:02:16	P04 CLR.
00:02:45	P08 CLR.
00:02:55	P09 ENRT. 870 E North St, Powell
00:02:58	P09 ARRIV. LEC
00:03:01	P10 ENRT. 870 E North St, Powell
00:03:05	P10 ARRIV. LEC
00:03:07	P14 ENRT. 870 E North St, Powell
00:03:10	P14 ARRIV. LEC
00:03:16	P16 ENRT. 870 E North St, Powell
00:03:19	P16 ARRIV. LEC
00:03:23	P17 ENRT. 870 E North St, Powell
00:03:27	P17 ARRIV. LEC
00:03:29	P18 ENRT. 870 E North St, Powell
00:03:32	P18 ARRIV. LEC
00:08:19	P10 CLR.
00:10:19	P17 CLR.
00:13:05	P15 ENRT.
00:13:15	P15 ENRT. BACK TO POWELL
00:25:51	P03 CLR.

00004

TIME	EVENT
00:25:54	P05 CLR.
00:26:43	P06 ARRIV. LEC
00:28:29	P09 CLR.
00:40:58	P15 ARRIV. LEC
00:41:16	P14 CLR.
00:42:28	P15 CLR.
00:49:46	P06 CLR.
01:11:57	P16 CLR.
01:12:00	P18 CLR.
01:12:01	P18 Closed - Disposition SC
08:33:50	Reopened
08:33:55	P09 ENRT. 870 E North St, Powell
08:34:00	P09 ARRIV. LEC WORKING ON CASE
08:43:55	P18 ENRT. 870 E North St, Powell
08:44:01	P18 ARRIV. LEC WORKING ON CASE
09:05:03	P18 CLR. Freed
09:41:08	P18 ENRT. 870 E North St, Powell
09:41:08	P18 ARRIV.
09:41:11	P18 ARRIV. LEC
10:24:17	P18 CLR. Freed
14:13:57	P08 ENRT. 870 E North St, Powell
14:14:02	P08 ARRIV. LEC WITH RP
14:35:31	P08 CLR. Freed
14:53:55	P05 ENRT. 870 E North St, Powell
14:54:01	P05 ARRIV. LEC WORKING ON CASE
15:41:32	P05 CLR.
15:45:50	P09 CLR.
15:45:51	P09 Closed - Disposition SC
[ 02/26/2009 ]	
17:49:09	Reopened
17:49:16	P15 ENRT. 870 E North St, Powell
17:49:24	P15 ARRIV. LEC WORKING ON CASE
18:32:24	P15 CLR.
18:32:24	P15 Closed - Disposition SC
[ 02/28/2009 ]	
04:07:13	Reopened
04:07:18	P09 ENRT. 870 E North St, Powell
04:07:26	P09 ARRIV. LEC WORKING ON CASE
06:40:18	P09 CLR.
06:40:19	P09 Closed - Disposition SC
[ 03/01/2009 ]	
05:23:44	Reopened
05:23:49	P09 ENRT. 870 E North St, Powell
05:25:10	P09 ARRIV. LEC @ ABOUT 0400
06:07:44	P09 CLR.
06:07:46	P09 Closed - Disposition SC
14:46:48	Reopened
14:46:59	P18 ENRT. 870 E North St, Powell
14:47:07	P18 ARRIV. LEC WORKING ON CASE
14:47:15	P18 ARRIV. LEC WORKING ON CASE
14:52:16	P18 CLR. 8.8 GALLONS
14:52:17	P18 Closed - Disposition SC
22:12:56	Reopened
22:13:08	P09 ENRT. 870 E North St, Powell
22:13:15	P09 ARRIV. WORKING ON CASE
23:17:22	P09 CLR.

00005

TIME	EVENT
23:17:23	P09 Closed - Disposition SC
[ 03/02/2009 ]	
00:04:33	Reopened
00:04:39	P09 ENRT. 870 E North St, Powell
00:04:51	P09 ARRIV. LEC WORKING ON CASE
00:49:16	P09 CLR.
00:49:16	P09 Closed - Disposition SC
01:40:57	Reopened
01:41:02	P09 ENRT. 870 E North St, Powell
01:41:10	P09 ARRIV. LEC WORKING ON CASE
06:19:17	P09 CLR.
06:19:17	P09 Closed - Disposition SC
09:44:15	Reopened
09:44:23	P04 ENRT. 870 E North St, Powell
09:44:28	P04 ARRIV. LEC WORKING ON CASE
11:04:20	P04 CLR. Freed
11:04:20	P04 Incident returned to pending status
11:38:52	P04 ENRT. 870 E North St, Powell
11:38:52	P04 ARRIV.
11:38:55	P04 ARRIV. LEC
11:54:01	P04 CLR.
11:54:02	P04 Closed - Disposition SC
16:52:16	Reopened
16:52:25	P15 ENRT. 870 E North St, Powell
16:52:25	P15 ARRIV.
16:52:31	P15 ARRIV. LEC
23:37:32	P15 CLR.
23:37:33	P15 Closed - Disposition SC
[ 03/04/2009 ]	
03:13:46	Reopened
03:13:58	P09 ENRT. 870 E North St, Powell
03:14:03	P09 ARRIV. LEC ON CASE
05:24:24	P09 CLR.
05:24:24	P09 Closed - Disposition SC
10:01:48	Reopened
10:01:56	P04 ENRT. 870 E North St, Powell
10:02:02	P04 ARRIV. 443 W COULTER AVE
10:18:37	P04 ENRT.
10:21:08	P04 ARRIV. LEC WORKING ON CASE
11:30:07	P04 ENRT. CLEAR WORKING ON SAME CASE
11:32:44	P04 ARRIV. CA
12:01:02	P04 CLR.
12:01:03	P04 Closed - Disposition SC
13:03:58	Reopened
13:04:12	P04 ENRT. 870 E North St, Powell
13:10:19	P04 ARRIV. LEC WORKING ON CASE
13:50:31	P04 CLR. Freed
13:50:32	P04 Incident returned to pending status
14:00:27	P04 ENRT. 870 E North St, Powell
14:00:33	P04 ARRIV. LEC WORKING ON CASE
14:52:58	P04 ENRT.
14:55:57	P04 CLR.
14:55:57	P04 Closed - Disposition SC
[ 03/06/2009 ]	
03:22:35	Reopened
03:24:01	P05 ENRT. 870 E North St, Powell
03:24:02	P05 ARRIV.
03:24:08	P05 ARRIV. LEC WORKING ON CASE
06:12:19	P05 CLR.
06:12:19	P05 Closed - Disposition SC

00006



CAD Incident 090224086

TIME	EVENT
[ 03/08/2009 ]	
23:23:43	Reopened
23:23:50	P09 ENRT. 870 E North St. Powell
23:23:51	P09 ARRIV.
23:23:59	P09 ARRIV. LEC WORKING ON CASE
[ 03/09/2009 ]	
01:21:26	P09 CLR.
01:21:26	P09 Closed - Disposition SC
04:06:35	Reopened
04:06:39	P09 ENRT. 870 E North St. Powell
04:06:39	P09 ARRIV.
04:06:46	P09 ARRIV. LEC WORKING ON CASE
04:41:44	P09 CLR. Freed
04:41:44	P09 Incident returned to pending status
04:42:21	P09 ENRT. 870 E North St. Powell
04:42:22	P09 ARRIV.
04:42:31	P09 ARRIV. LEC
05:03:21	P09 CLR.
05:03:21	P09 Closed - Disposition SC
[ 03/28/2009 ]	
12:17:35	Reopened
12:17:56	P05 ENRT. 870 E North St. Powell
12:18:02	P05 ARRIV. LEC ON CASE
12:53:39	P05 CLR. Freed
12:53:40	P05 Incident returned to pending status
13:24:09	P05 ENRT. 870 E North St. Powell
13:24:13	P05 ARRIV. LEC
13:54:28	P05 CLR.
13:54:28	P05 Closed - Disposition SC
[ 03/29/2009 ]	
08:28:16	Reopened
08:28:22	P05 ENRT. 870 E North St. Powell
08:28:30	P05 ARRIV. LEC WORKING ON CASE
10:40:47	P05 CLR. Freed
10:40:47	P05 Incident returned to pending status
12:05:23	P05 ENRT. 870 E North St. Powell
12:05:27	P05 ARRIV. LEC
13:19:58	P05 CLR.
13:19:59	P05 Closed - Disposition SC
[ 03/30/2009 ]	
14:10:11	Reopened
14:10:20	P04 ENRT. 870 E North St. Powell
14:10:21	P04 ARRIV.
14:10:24	P04 ARRIV. LEC
15:23:51	P04 ARRIV. ANX WORKING ON CASE
15:42:07	P04 ENRT.
15:45:12	P04 ARRIV. LEC WORKING ON CASE
16:04:22	P04 CLR.
16:04:23	P04 Closed - Disposition SC
[ 03/31/2009 ]	
13:15:07	Reopened
13:15:19	P04 ENRT. 870 E North St. Powell
13:15:20	P04 ARRIV.
13:15:22	P04 ENRT. CA
13:18:03	P04 CLR. Freed
13:18:03	P04 Incident returned to pending status
13:53:56	P04 ENRT. 870 E North St. Powell
13:54:08	P04 ARRIV. COUNTY ATTORNEY
14:16:15	P04 ARRIV.
14:16:18	P04 CLR. Freed
14:16:18	P04 Incident returned to pending status
14:43:04	Closed - Disposition SC
[ 04/09/2009 ]	
00:00:00	Reopened

00007

TIME	EVENT
09:26:06	P04 ENRT. 870 E North St. Powell
09:26:07	P04 ARRIV.
09:26:09	P04 ARRIV. LEC
10:27:07	P04 CLR. Freed
10:27:07	P04 Incident returned to pending status
10:27:57	Closed - Disposition SC
[ 04/21/2009 ]	
09:54:12	Reopened
09:54:24	P04 ENRT. 870 E North St. Powell
09:54:24	P04 ARRIV.
09:54:37	P04 ARRIV. COURT WAITING FOR THE JUDGE
10:50:26	P04 ARRIV. LEC
12:10:12	P04 CLR. Freed
12:10:12	P04 Incident returned to pending status
13:02:48	Closed - Disposition SC
[ 04/23/2009 ]	
08:06:45	Reopened
08:06:54	P04 ENRT. 870 E North St. Powell
08:07:12	P04 ARRIV. LEC WORKING ON CASE
10:07:37	P04 CLR.
10:07:38	P04 Closed - Disposition SC
[ 04/28/2009 ]	
14:51:15	Reopened
14:51:28	P04 ENRT. 870 E North St. Powell
14:51:36	P04 doing warrant return
14:52:38	P04 ARRIV. COURT
16:14:56	P04 CLR. Freed
16:14:56	P04 Incident returned to pending status
19:00:35	Closed - Disposition SC
[ 08/28/2009 ]	
09:08:16	Reopened
09:08:24	P04 ENRT. 870 E North St. Powell
09:08:30	P04 ARRIV. LEC WORKING ON CASE
09:30:05	P04 CLR. Freed
09:30:05	P04 Incident returned to pending status
09:31:04	Closed - Disposition SC
11:00:11	Reopened
11:00:20	P04 ENRT. 870 E North St. Powell
11:00:25	P04 ARRIV. LEC WORKING ON CASE
11:44:14	P04 CLR. Freed
11:44:14	P04 Incident returned to pending status
13:36:01	Closed - Disposition SC
[ 08/31/2009 ]	
08:54:45	Reopened
08:55:22	P04 ENRT. 870 E North St. Powell
08:55:23	P04 ARRIV.
08:55:32	P04 ARRIV. LEC ON CASE
10:13:55	P04 ENRT.
10:15:42	P04 ARRIV. 2019 A MINUTE
10:24:07	P04 ENRT.
10:24:26	P04 ARRIV. POWELL OFFICE SUPPLY
10:30:22	P04 ARRIV. LEC
11:18:44	P04 ENRT.
11:58:58	P04 CLR.
11:58:59	P04 Closed - Disposition SC
[ 09/16/2009 ]	
10:32:08	Reopened
10:38:19	P04 ENRT. 870 E North St. Powell
10:38:20	P04 ARRIV.
10:38:23	P04 ENRT.
10:51:29	P04 ARRIV. ANNEX, ON 514 ALSO
11:45:07	P04 ENRT. ON CASE
11:47:23	P04 ARRIV. LEC

00008

TIME	EVENT
11:47:53	P04 CLR.
11:47:54	P04 Closed - Disposition SR
[ 11/30/2009 ]	
09:58:17	Reopened
09:58:45	P04 ENRT. 870 E North St, Powell
10:01:56	P04 CLR. Freed
10:01:56	P04 Incident returned to pending status
10:14:08	P04 ENRT. 870 E North St, Powell
10:17:45	P04 ARRIV. CO ATTY ON CASE
11:05:12	P04 ENRT. ON CASE
11:11:17	P04 CLR. Freed
11:11:17	P04 Incident returned to pending status
14:07:02	Closed - Disposition SC